

S. HRG. 118-566

Senate Hearings

Before the Committee on Appropriations

Department of the Interior, Environment, and Related Agencies Appropriations

Fiscal Year 2024

118th CONGRESS, FIRST SESSION

H.R. 4821/S. 2605

UNITED STATES FOREST SERVICE
DEPARTMENT OF THE INTERIOR
ENVIRONMENTAL PROTECTION AGENCY
INDIAN HEALTH SERVICE
NONDEPARTMENTAL WITNESSES

Department of the Interior, Environment, and Related Agencies Appropriations, 2024 (H.R. 4821/S. 2605)

**DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS
FOR FISCAL YEAR 2024**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE**

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

ON

H.R. 4821/S. 2605

**AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE IN-
TERIOR, ENVIRONMENT, AND RELATED AGENCIES FOR THE FISCAL
YEAR ENDING SEPTEMBER 30, 2024, AND FOR OTHER PURPOSES**

**United States Forest Service
Department of the Interior
Environmental Protection Agency
Indian Health Service
Nondepartmental Witnesses**

Printed for the use of the Committee on Appropriations



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON APPROPRIATIONS

PATTY MURRAY, Washington *Chairman*

DIANNE FEINSTEIN, California	SUSAN M. COLLINS, Maine, <i>Vice Chairman</i>
RICHARD J. DURBIN, Illinois	MITCH McCONNELL, Kentucky
JACK REED, Rhode Island	LISA MURKOWSKI, Alaska
JON TESTER, Montana	LINDSEY GRAHAM, South Carolina
JEANNE SHAHEEN, New Hampshire	JERRY MORAN, Kansas
JEFF MERKLEY, Oregon	JOHN HOEVEN, North Dakota
CHRISTOPHER A. COONS, Delaware	JOHN BOOZMAN, Arkansas
BRIAN SCHATZ, Hawaii	SHELLEY MOORE CAPITO, West Virginia
TAMMY BALDWIN, Wisconsin	JOHN KENNEDY, Louisiana
CHRISTOPHER MURPHY, Connecticut	CINDY HYDE-SMITH, Mississippi
JOE MANCHIN, III, West Virginia	BILL HAGERTY, Tennessee
CHRIS VAN HOLLEN, Maryland	KATIE BRITT, Alabama
MARTIN HEINRICH, New Mexico	MARCO RUBIO, Florida
GARY PETERS, Michigan	DEB FISCHER, Nebraska

EVAN SCHATZ, *Staff Director*

ELIZABETH McDONNELL, *Minority Staff Director*

SUBCOMMITTEE ON DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

JEFF MERKLEY, Oregon, *Chairman*

DIANNE FEINSTEIN, California	LISA MURKOWSKI, Alaska, <i>Ranking Member</i>
JACK REED, Rhode Island	MITCH McCONNELL, Kentucky
JON TESTER, Montana	SHELLEY MOORE CAPITO, West Virginia
CHRIS VAN HOLLEN, Maryland	JOHN HOVEN, North Dakota
MARTIN HEINRICH, New Mexico	DEB FISCHER, Nebraska
GARY PETERS, Michigan	KATIE BRITT, Alabama

Professional Staff

MELISSA ZIMMERMAN

RYAN HUNT

RISHI SAHGAL

ANTHONY SEDILLO

ANGELA CAALIM

EMY LESOFSKI (*Minority*)

LUCAS AGNEW (*Minority*)

NONA MCCOY (*Minority*)

Administrative Support

LASHAWNDA SMITH (*Minority*)

CONTENTS

HEARINGS

	Page
WEDNESDAY, MARCH 22, 2023	
United States Forest Service	1
WEDNESDAY, MARCH 29, 2023	
Department of the Interior	33
WEDNESDAY, MAY 3, 2023	
Environmental Protection Agency	93
WEDNESDAY, MAY 10, 2023	
Indian Health Service	143
STATEMENTS AND LETTERS OF NONDEPARTMENTAL WITNESSES	
Nondepartmental Witnesses	195

BACK MATTER

List of Witnesses, Communications, and Prepared Statements	449
Subject Index:	
United States Forest Service	453
Department of the Interior	453
Environmental Protection Agency	454
Indian Health Service	454

**DEPARTMENT OF THE INTERIOR, ENVIRON-
MENT, AND RELATED AGENCIES APPRO-
PRIATIONS FOR FISCAL YEAR 2024**

WEDNESDAY, MARCH 22, 2023

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:59 a.m. in room SD-124, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Tester, Murkowski, Hoeven, Fischer, and Britt.

UNITED STATES FOREST SERVICE

STATEMENT OF MR. RANDY MOORE, CHIEF, U.S. FOREST SERVICE

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Good morning. Chief Moore, welcome. And we will have other colleagues who will be joining us. This is an important hearing on the fiscal year 2024 President's Budget for the United States Forest Service. It is great to have you with us.

This is our first hearing of the year. I am excited that the leadership on the Full Committee, Chair Murray and Vice Chair Collins, are working in a bipartisan manner to move our appropriation bills down the fiscal year 2024 path, through committee and to the floor. They believe our committee members have a lot of shared bipartisan priorities that will power us through to enact appropriation bills this year, and I think it is so important that we try to establish that rhythm. I think we all agree that a continuing resolution, or government shutdown, would be a disaster.

So we are ready to get to work. And here we are at our first hearing.

I know a lot has been made of the split between the defense and non-defense funding; it is something we grapple with every year. I feel strongly that if we want to build a safer, more competitive country, we can't give up on the need to invest right here at home. And funding for the Forest Service is a perfect example of why we need to invest in non-defense spending, to defend our communities from wildfire, improve public health, protect jobs, and increase the health and resiliency of our forests.

Indeed, the budget request for fiscal year 2024 gives us another stark reminder that our forests are in peril, and that we need these investments. We know that climate chaos is unrelenting. It is working through a cast of henchmen, drought, invasive pests, dis-

eases that, together, are causing an inevitable scourge of catastrophic wildfire.

And we can no longer view these villains as natural disasters, what they really are, are human-caused unnatural disasters brought on by our collective failure to effectively confront climate chaos, and the carbon dioxide that is warming the planet.

When these unnatural disasters strike people lose their homes, they lose their livelihood, they even lose their lives. People who live even hours away lose their municipal water source, suffer the health impacts of the smoke, and the particulate matter in the air, and lose the joy of recreation, and the peace of nature.

I will never forget traveling on Labor Day 2020, over 600 miles from the northern border to the southern border of Oregon and back again, and never getting out of the smoke. And we have seen town, after town, after town, burned to the ground, that looked like World War II firebombed cities, and it has really affected the psychology of my state, and concern of folks about increasing the fire resilience of the forest, through thinning, through mowing, through prescribed fire, and try to minimize the chance of these types of catastrophes happening again.

Everywhere I go in Oregon I hear people say: Let us do everything we can to make the forest more resilient, to defend our communities, keep our towns from being wiped out by blow torch style fires, and preventing these catastrophes is much better than investing on the backend.

Looking back over the last 10 years, we have about doubled our annual investments in the Forest Service. In fiscal year 2013 funding was \$4.5 billion, of which \$2.1 billion was for fighting fires, and \$2.4 billion for other forest management activities.

Ten years later, fiscal year 2023, it is \$8.2 billion, so that is a big change over a decade, \$4.3 billion for fire, and \$3.9 billion forest management. The entire pot is growing, but certainly fire-fighting costs just continue to rise exponentially.

So we need to double down on other forest management activities critical to forest resilience and forest health, watershed and habitat restoration, control of invasive species, thinning, prescribed burns, and grants to states for their best efforts.

There are three major pieces of legislation that will provide an additional \$12.6 billion over the course of a decade on top of that annual funding; that will enable us to radically step up our campaign to reinvigorate the resiliency of our forested lands: The Great American Outdoors Act, the Bipartisan Infrastructure Bill, and the Inflation Reduction Act. All three provide transformative investment.

Of course, they are not permanent, so we have to make the best use of every bit of those funds while they exist. And focusing only on responding to wildfires does not and will not help us take care of and restore our forests for the future. So we have to bring balance to our forests through collaboration, we need to work across the lines, the divisions of the timber wars of the past.

I have to say, in Oregon, collaboration has greatly expanded bringing together the timber community, the environmental community, and the local stakeholders to work on the management of the forest. And that is why the Collaborative Forest Landscape

Restoration Program is really such a success. We have many collaboratives in Oregon, but now five that are part of the Federal Program, and others that would like to be.

When those various groups can work out a prescription for how to thin or treat the forest, their trust grows in each other, it gets easier over time, and the result is effective treatment of the forest, but also saw logs to the mill, and projects that are staying out of the courts.

Hazardous fuels reduction continues to be very important, and between the Bipartisan Infrastructure Act and Inflation Reduction Act, Congress invested more than \$3 billion in the Forest Service's hazardous fuels work, huge increase over what we were doing a decade ago. It will at least double the impact of what we have done, even with just annual budgets alone.

The Forest Service is prioritizing multiple high-risk areas in Oregon with these funds, around Mount Hood in the north, Malheur National Forest in the east, in Central Oregon, and in the Klamath Basin.

There are other areas that need more treatment, like the Rogue Valley, and areas outside the wildland-urban interface, that those programs weren't designed to deliver to. So we will keep pushing for hazardous fuels reduction in the Interior Bill to keep up the momentum.

One of the things I have talked to the Forest Service about is; where the location is of the acres that have gone through the environmental process and are ready for treatment, and those acres are often not near the towns because they are often the ones that were kind of the cheapest per acre to do. And this is why we really have to push to map the acres around our most vulnerable towns, and how we thin and treat those forests even if they are more expensive per acre, it is more important to slow down the fire close to town than it is far away.

The budget also proposes a new program, it is a program—actually I can't say it is really new and that we funded it in the Bipartisan Infrastructure Act—but it will be new to our annual Appropriations, and that is Burned Area Rehabilitation. And when we see things like the Bootleg Fire in Oregon, we see just how important that is; post-wildfire restoration, improving the watershed and forest conditions over a three-year period after a fire.

Finally, touching back on wildland fire, I appreciate the significant investment that the President proposes to properly support the Federal Wildland Firefighting Force. This effort really began with passage of the Bipartisan Infrastructure Bill which boosted the pay of firefighters and built a more professional, year-round, firefighting workforce.

And we are really looking at the model of how to keep people employed year-round, so that when they are not fighting fires they can be doing forest treatments, and thereby not have the massive turnover, and really retain the expertise that are developed. Our efforts in the Interior Appropriations Bill have built a more permanent backbone to sustain those investments.

It is a credit to you, Chief Moore, for not just proposing better pay for firefighters, but also proposing investments in their health,

and life—work, balance. Life—work, balance: that is something we struggle with here all the time.

Our firefighters need support to combat the real danger of injury and fatigue, another consequence of the more catastrophic wildfires and never-ending fire seasons. While we need our authorizing committees to establish a special salary table, and other compensation reforms, we stand ready to continue working toward a better cared-for firefighting workforce.

Chief, I appreciate that the request continues the Wildfire Suppression Reserve Fund at the authorized level of \$2.65 billion. I am concerned that the levels agreed to in 2018 may no longer be adequate based on the trend of wildfire costs in the years since. So this is why we included an additional \$450 million for Wildfire Suppression in the fiscal year 2023 Omnibus, depending on what happens with the fires this coming summer, it may be very important for us to be able to do so again.

And so I am looking towards the vision of planning for that. And then if it is not needed, though, that would be great. But we just don't know how this year is going to play out yet, we have got a lot of intensive firefighting months to come. So I hope we will have the administration's support for doing so.

With all that, I will have a few questions about the investments after your presentation. I am sure my colleagues will as well.

And now I will turn to Senator Murkowski, the Co-Chair, for any opening comments she would like to make.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you Mr. Chairman. Appreciate the opportunity to be back at work here on the Interior, Environment, and Related Agencies; and to kick off our hearings with the Chief of the Forest Service. So welcome to you.

You have appropriately focused on the issues related to wildland fires and the impact that we see across the country, and certainly appreciate the challenges that that faces from a budget perspective, and how we do right there.

Before I turn, though, to speak about some of those issues and the specifics in the fiscal year 2024 President's Budget Request, Chief, I just want you to hear directly from me again, on the record, my disappointment with the administration's decision regarding the management of the Tongass National Forest, our Nation's largest national forest.

This January this administration reinstated, the 2001 National Roadless Rule on the Tongass National Forest, basically abandoning the Alaska-specific Rule, and all the data and all the analysis that had supported it.

So now, rather than providing the access needed to responsibly harvest timber, minimal amounts of timber, I might add, and as well as developing other natural resources on a fraction of the nearly 17 million acres within the Tongass, the administration has made it virtually impossible to have a sustainable, regional economy there, which is a far, far cry, from what Secretary Vilsack promised me, and the Alaska delegation, when he talked about a transition to harvesting young growth timber, in which he said, the

Tongass was going to retain a small but a viable timber industry. That was the commitment there.

We have come so far from that commitment unfortunately. And it seems, sadly, that all those years of work by good people has been cast aside, and it is especially bitter for those who took an early leap of faith, collaborated with the agency, with the environmental groups, and the tribes, and invested in his promise to transition.

So all this work, all the timber program in the Tongass is, effectively, all but dead. I have long said that I do not believe that we have to choose between a healthy forest and a healthy economy. I just continue to be amazed that the administration does not agree that Southeast Alaska can and should be allowed to have both.

So Chief, I am just going to ask you once again to work with me to provide some level of opportunity for the people of Southeast Alaska. I will be addressing that more in my questions to follow here. But as the Chairman has pointed out, certainly fire is at the top of his list of worries, certainly for us in Alaska, it is as well. Last year, in my state, we had the fastest start to the wildfire season on record, with over one million acres burning in June alone. By July that number leapt to well over two million acres.

So we are this. We are seeing this impact, climate change has certainly focused—or manifesting itself through these wildfire threats, and we are seeing them, undoubtedly, evolve. All you need to do is drive through the Mat-Su Valley, or down on the Kenai Peninsula to see the impact of the beetle kill, the threat of fire that it poses to our Alaskan communities.

I know that my colleagues in the Lower 48 are dealing with similar tree mortality issues, they have been long battling drought, so I, too, I am going to be interested in the wildfire outlook, and what the planning for this year looks like.

One thing I do want to applaud the Forest Service for is working collaboratively with the Department of Interior on a proposal to modernize and reform Wildland Fire Workforce pay. It is so important that we make the pay competitive with other firefighting agencies, as well as doing things, like investing in housing, investing in mental health. We owe it to our frontline firefighters to have a plan, have a strategic plan to help them, and really to care for them as they engage in this dangerous line of work.

In addition to a more full-time, permanent wildland firefighters across the country, each of my colleagues who interact with the Forest Service—are surely going to be identifying their agency needs in their states. In Alaska we need increased capacity to facilitate our robust recreation industry. You hear me talk about the need for those permits, support for critical mineral mining projects in the region, broadband access, and of course, again a timber supply for our withering timber industry.

And we believe that we must empower our Tribes to be partners with the Federal Government as they are critical to expanding that capacity. And so that is why I am interested in hearing not only how the budget request proposes to address these capacity issues, but also what the Forest Service is actually, doing right, now to address them, especially in light of the billions of dollars in annual

appropriations, what we have included in the Bipartisan Infrastructure Bill as well as the Inflation Reduction Act.

The agency has received a lot of money going in that direction, so interested in knowing: What are we seeing? How are we seeing those dollars translate into action? Also, knowing forward to hearing about your vision for the President's fiscal year 2024, and to learn more about your priorities for the Forest Service, and how those priorities can improve the health and resilience of our Nation's forest.

So thank you for being here this morning; looking forward to the opportunities for questions back and forth.

And with that, Mr. Chairman. Thank you.

Senator MERKLEY. Thank you very much.

And now, Chief Moore, we would like to hear from you.

SUMMARY STATEMENT OF HON. RANDY MOORE

Mr. MOORE. Okay, great. Thank you. Chair Merkley, Ranking Member Murkowski, and Members of the Committee; thank you for inviting me to testify before you today.

I appreciate the opportunity to share how the Forest Service is putting America's money to work. The fiscal year 2024 request focuses on three primary areas: modernizing the wildland fire management system, confronting the wildfire crisis, and ensuring equitable access to and benefits from National Forest System.

The people we serve deserve nothing less than to see the value of their money at work and to see their benefits, national forest and grasslands cover about 193 million acres, some 180 million people, and over 68,000 communities rely on these lands to capture and filter their drinking water. Our work contributes to over 373,000 jobs, \$40.3 billion to the GDP, we work with tribes, states and local governments, private landowners, and many other partners across the country to keep forests and grasslands healthy and safe.

Today, America's forests face dire threats from wildfire, climate change, and insects and disease, particularly in the West. This is an emergency situation in many places and we are acting with a sense of urgency in collaboration with communities and with our partners.

Our top priority is to reduce wildfire threats by safeguarding communities and critical infrastructure, and creating healthy and resilient forests. Through our Wildfire Crisis Strategy, we have ramped up to treat the right places at the right scale using an All Lands/All Hands approach.

This past January we announced investments of \$930 million in 21 high-risk landscapes in the West, benefitting, roughly, 200 communities and many other resources that people value. In addition, we have awarded nearly \$200 million in Community Wildfire Defense Grants towards 100 projects, to 22 states, and seven tribes including \$22.5 million in Oregon.

Recent investments by Congress give us a historic opportunity to take bold and strategic actions. We are working to do just that, to put every dollar to good use. We are grateful to Congress and this Committee, in particular, for investing foundational funding to do this work.

Sustained execution depends on continued Federal investments. The proposed fiscal year 2024 budget responds to this need. This budget also calls for a \$1.4 billion investment in salaries, health, safe, and wellbeing for firefighters. A suite of new actions will permanently increase pay, improve options for housing, and provide better care and support for physical and mental health. It also increases the number of firefighters. While firefighters represent the backbone of our wildfire system we also need active and aggressive land management to confront the wildfire crisis.

This budget invests \$300 million in hazardous field treatments, it supports execution of the Wildfire Crisis Strategy, and it targets investments in burn area rehabilitation of \$56 million to expedite recovery on wildfire. It supports use of the latest research, including grants to universities to support educational and technical assistance for innovative wood products.

National forests and grasslands belong to every American. We are grateful for the Great American Outdoor Act funds that reduced our \$7.7 billion maintenance backlog and ensure increase to—for public access.

We are also invested in Bipartisan Infrastructure Law funds to repair historic cabins in Alaska. Every person should feel a personal invitation and connection to these lands. We remain committed to removing barriers to, so all people can enjoy National Forest System lands and services, particularly tribes and underserved community.

We continue to focus policies, accountability, and training to ensure an equitable, respectful, and harassment-free work environment for all of our employees. We know what is at stake if we don't address the effects of climate change and the wildfire crisis, the health of our forests, and communities, clean water, a vibrant wood product industry, and jobs, and resources that Americans depend on.

We need to act now to meet the challenges before us.

Thank you. And I am grateful for your support. And I welcome any questions that you may have.

[The statement follows:]

PREPARED STATEMENT OF HON. RANDY MOORE

Chair Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for inviting me here today to testify on the President's fiscal year (FY) 2024 Budget request for the U.S. Department of Agriculture (USDA), Forest Service.

The fiscal year 2024 President's Budget for the USDA Forest Service discretionary appropriations totals \$7.4 billion for base programs and \$2.3 billion for the wildfire suppression cap adjustment (in the Wildfire Suppression Operations Reserve Fund). The fiscal year 2024 request focuses on three primary areas: modernizing the wildland fire management system; confronting the wildfire crisis; and ensuring equitable access to and benefits from the National Forest System.

The investments highlighted below reflect services the Forest Service delivers through work on National Forests, partnerships with State, Private, and Tribal landowners, and our Research and Development mission area. These investments enable the Forest Service to restore long-term forest health and resiliency across landscapes the American people rely-on while ensuring equitable access to the resources on National Forest lands. Alongside our partners, the Forest Service will continue to reduce the risk of catastrophic wildfires to communities in FY 2024 through investments in the highest priority landscapes identified within the Wildfire Crisis Strategy. The Forest Service will maximize every dollar invested into our agency, making every dollar work for the American people. The people we serve deserve nothing less than to see the value of their money at work for their benefit.

The President's FY 2024 Budget Request for Specific Priorities to Support Focal Areas

The following investments align with and enhance the agency's efforts to modernize the wildland fire management system:

- \$1.4 billion for Wildland Fire Management Salaries and Expenses: Investing in our wildland firefighting workforce is a matter of national security as critical infrastructure, homes, communities, structures, and natural resources are at grave and growing risk of catastrophic wildfire. The FY 2024 budget funds a permanent increase in pay for the wildland firefighter workforce, providing a more livable wage, enhancing recruitment, and supporting retention. Specifically, this request includes:
 - \$180 million for increasing base pay for Federal wildland firefighters to ensure that this crucial workforce does not face a pay cliff at the end of this year
 - \$69 million to support cost of living increases for FY 2024
 - \$259 million for increasing Federal firefighting capacity (an estimated 970 additional Federal firefighters and personnel) to expand our ability to address the wildfire crisis and reduce the strain on our current workforce
 - \$10 million for vital health and well-being assistance to more comprehensively support our wildfire firefighter workforce;
 - \$50 million to address the urgent need for wildland firefighter housing through necessary maintenance and repairs of Forest Service housing units that will support our recruitment, hiring, and retention efforts.
- \$323 million for Hazardous Fuels Reduction: To mitigate wildfire risk on 4.2 million acres in high priority and high-risk fire sheds, building on hazardous fuels funding from the Bipartisan Infrastructure Law and Inflation Reduction Act and aligned with the agency's 10-Year Wildfire Crisis Strategy.

The following investments ensure that national forests and grasslands continue to provide experiences, services, and products to the American public by focusing on the restoration, enhancement, and resilience of the Nation's forests and grasslands:

- \$56 million for the Burned Area Rehabilitation: to build on capacity created with the \$65 million per year seed money from the Bipartisan Infrastructure Law to rehabilitate burned areas and free up existing funding for more proactive forest health work.
- \$94 million for Recreation, Heritage, and Wilderness: to increase support of critical recreation operations, planning, services, and improvements, with particular emphasis on creating welcoming, sustainable, and equitable recreation opportunities for all Americans with a focus towards underserved and Tribal communities.
- \$50.5 million for Vegetation and Watershed Management: to support healthy and resilient watersheds and landscapes, sustain the production of clean and abundant air and water, assist with meeting the Administration's climate goals, and contribute to healthy and productive communities and Tribal Nations.
- \$45 million for Minerals and Geology Management: to locate and prioritize orphaned oil and gas wells for remediation and the inventory, environmental analysis, and clean-up of mine reclamation sites.
- \$7.8 million for Grazing Management: to support post-fire restoration, provide for strategic incentives to grazing permittees, and build vibrant rural economies.
- \$55 million for Forest Health Management: to ensure healthy forests and functional landscapes on Federal and non-federal lands in support of the conservation priorities of the Administration.
- \$80 million for Collaborative Forest Landscape Restoration Program: to invest in communities and regions with a collaborative, common purpose in reducing wildfire risk and improving forest health and resiliency.
- \$1.7 billion for National Forest System Salaries and Expenses: to support the agency's 10-Year Wildfire Crisis Strategy as well as critical non-fire programs, which have decreased in funding over time as wildland fire response needs escalated.

Further investments ensure that the Forest Service relies on the latest science and technology to deliver results on the ground and for the people:

- \$502 million for Information Technology Capabilities: to continue modernization of our Information Technology systems that allow the public to better access our services, sustain emergency communication systems, and provide our workforce the tools they need to carry out our conservation mission safely and efficiently.
- \$72 million for Zero Emissions Vehicles: included across several program funding requests to invest in replacing vehicles within the agency fleet and to provide for employees and visitors with charging infrastructure.
- \$349 million for Forest and Rangeland Research: to continue investments in research priorities, with a focus on climate change-related research including reforestation, carbon accounting, and fire and fuels research.
- \$6 million for USDA Climate Hubs: to accelerate science production and technology transfer that will aid management agencies, private landowners, and agricultural producers adopt scientifically sound climate adaptation practices.

CONFRONTING THE WILDFIRE CRISIS

The Forest Service's paramount focus continues to be combatting the threat and impact of destructive wildfire to our Nation's communities, critical infrastructure, forests, rangelands, water supplies, and wildlife. Changing environmental conditions have lengthened fire seasons into fire years and worsened wildfires across the West. Expanding development into the wildland/urban interface (WUI) increasingly puts more homes into fire-prone landscapes and increases the challenge and complexity of wildfire suppression and fuels reduction work. Most wildfires that cause significant damage to a large number of homes and other structures are human caused; 97% of wildfires threaten homes; and almost one-third of American homes are within the WUI.

The Forest Service has a historic opportunity now, between the investments from the Bipartisan Infrastructure Law, the Inflation Reduction Act, and our annual appropriations, to implement solutions at a large scale. We are now entering our second year of carrying out our 10-Year Wildfire Crisis Strategy. The Wildfire Crisis Strategy aims to increase science-based fuels treatments by up to four times previous treatment levels, especially in those areas at highest risk. By working in the right places at the right scale, our treatments can reduce wildfire risk and better protect communities, infrastructure, and natural resources while helping wildland firefighters respond to wildfires safely and effectively.

The Forest Service cannot succeed in this alone. The highest risk fire sheds are typically in multiple land ownerships. The Forest Service will continue to strengthen our long-standing work and relationships with Tribes, States, local communities, private landowners, and other stakeholders to adapt lessons learned into a coordinated and effective program of work as outlined in the 10-Year Wildfire Crisis Strategy. Through government-to-government consultation with Tribes, expanded partnerships and co-stewardship, and broader community support, the Forest Service will increase the use of prescribed fire, fuel treatments, and the management of unplanned ignitions to reduce long-term wildfire risks. Fortunately, we have decades of experience working through collaborative partnerships based on common values and shared goals across shared landscapes as set out in the National Cohesive Wildland Fire

MANAGEMENT STRATEGY

ENSURING EQUITABLE ACCESS TO AND BENEFITS FROM THE NATIONAL FOREST SYSTEM

The Forest Service will continue to invest in actions that create broad and efficient access to the vital resources our forests and grasslands provide. This effort is twofold. First, we must ensure that those who rely on these services and benefits can access those benefits safely. Therefore, we are committed to improving the operation and maintenance of our extensive infrastructure portfolio that includes buildings, dams, communication sites, recreation sites, roads, trails, and bridges. Second, to carry out this work effectively, the Forest Service is committed to continued intentional internal and external engagement with Tribal Nations whose ancestral homelands are within or adjacent to federally managed public lands, and communities that live by, visit, and depend on national forests. The Forest Service is committed to identifying and removing barriers to access Forest Service programs and services for historically underserved communities. This will be done by integrating equity-centered criteria in the design, funding, and prioritization of all policies, programs, and activities to center equity considerations as part of the decision process. The Forest Service will also work to advance mission critical work, remove barriers

and boost economic opportunities through improved access to contracts, grants and agreements, and permits.

LEVERAGING ADDITIONAL FUNDING AUTHORITIES

Along with the tools and investments proposed in the FY 2024 Presidents Budget, the Forest Service will leverage funding within the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) to confront the wildfire crisis, create new markets and technology for wood products, promote economic development, and restore forest health and resiliency through partnerships and collaboration across landscapes.

Through the Bipartisan Infrastructure Law (BIL), Congress provided a \$1.4 billion down payment that greatly assists in putting our Wildfire Crisis Strategy into action with investments on 10 landscapes in eight Western States (Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, and Washington). Through work on these landscapes and others, we completed treatments on 3.2 million acres nationally in 2022. We also accomplished these treatments in 118 of the 250 high-risk fireheds identified in the Wildfire Crisis Strategy. This work was accomplished despite numerous challenges including workforce capacity and high post-fire workloads from historic wildfire activity across the country the past several years. The work on these acres directly reduced risk to communities, infrastructure, and critical watersheds.

The Inflation Reduction Act provides the Forest Service an additional \$1.8 billion for hazardous fuels funding in the WUI. With IRA funding, we recently selected 11 additional landscapes for treatment in seven Western States (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington). Combined with the initial BIL investment landscapes, our actions will span nearly 45 million acres across 134 of the 250 high-risk fireheds in the western U.S., with a total investment to date of \$930 million on 21 landscapes in 2023. These investments will help reduce the risk of wildfire to at-risk communities, Tribal lands, critical infrastructure, utility corridors, and public water sources. We listened to our partners, the public we serve, Tribes and many others regarding what mattered most to them, where opportunity is, and where challenges remain. Their feedback and our experience on these landscapes helped us identify both challenges to implementation and enabling conditions for future success.

Through Great American Outdoors Act (GAOA) (Public Law 116–152) funding for the National Parks and Public Land Legacy Restoration Fund, the Forest Service continues to repair and upgrade vital infrastructure and facilities in the National forests and grasslands. The GAOA also permanently funds the Land and Water Conservation Fund (LWCF), with which the Forest Service invests in conservation and recreation opportunities in public and private lands through the Forest Legacy Program and Federal Land Acquisition.

According to the agency's 2020 economic analysis, Forest Service GAOA deferred maintenance projects are projected to support approximately 4,400 jobs and contribute \$420 million to the Gross Domestic Product on an average annual basis over the 5-year authorization of the National Parks and Public Land Legacy Restoration Fund. In FY 2024, the Forest Service proposes \$94.3 million for the Forest Legacy Program, \$123.9 million for Federal Land Acquisition, and \$285 million for the National Parks and Public Land Legacy Restoration Fund. The FY 2024 project lists are included in the FY 2024 Budget request.

In closing, the President's FY 2024 Budget request for the Forest Service proposes a landmark investment in wildland fire, establishes funding priorities for risk-based wildfire reduction, and improves overall access and utilization of our National Forests System. The FY 2024 Budget request underscores our commitment to long-overdue investments in our wildland firefighter workforce to provide them with the compensation that they deserve, along with critical investments to support health and wellbeing, and expanded options for housing. The FY 2024 Budget also highlights the importance of restoring and creating resilient landscapes, improving infrastructure, and removing barriers to access. We look forward to working with this subcommittee to fulfill the President's goals and our key responsibilities for the long-term benefit of the Nation's forests and grasslands, and for all Americans. I will be glad to answer your questions.

Senator MERKLEY. Thank you very much, Chief Moore. And we are going to have, I think, seven-minute rounds of questions, and we will be able to go back through.

And a special welcome to Katie Britt, good to have you on this subcommittee.

Let us dive into that firefighter workforce issue. Last year the Forest Service's target for firefighters was 11,300. How close did you get to that target? And what did we learn about that challenge that will help us improve recruitment for this coming year?

Mr. MOORE. Senator we got about 10,965, or roughly 97 percent of that goal of 11,300 firefighters. What we learned is that, because of the pressures of recruitment and retention, that we were facing, really, an uphill battle. I would be happy to tell you that the proposed fiscal year 2024 President's Budget addresses a lot of the concerns and challenges we have with the recruitment and retention.

Senator MERKLEY. So one of the issues I keep hearing about is housing; any insights on that?

Mr. MOORE. Yeah. In the President's Budget it does address a number of things. It addresses the housing issue, so we have money set aside there, about \$45 million. It also looks at about \$10 million for the Forest Service, and \$10 million for Department of Interior to look at mental care and wellbeing. And it also addresses, you know, just the challenges with the pay gap between the Federal and non-Federal firefighters. So we think it addresses a number of those issues that was really affecting our ability to recruit, retain a lot of our firefighters going forward.

Senator MERKLEY. So one of the things that we have talked about is trying to increase the workforce by not having the interruption of folks being on fires and then having to figure out the rest of their life during the non-fire season, and thus the potential synergy between being in the firefighter role and being in the role of forest management. What do you see as the prospects or possibilities for that helping to increase retention from year to year?

Mr. MOORE. Well, you know, my experience, you know, working in the Forest Service for 40-plus years, you know, it varied over the years. Lately, what we are seeing is, the primary reason that I have been hearing, personally from firefighters, is the pay gap.

You know, it is easier when you are a beginning firefighter it used to be easier, I should say, but as you get older and have families the salaries become even more important. And Forest Service salaries—I should say, Federal salaries, in many of the locations across the country is not holding up to salaries in other non-Federal jobs.

When you have a minimum pay of \$15 per hour, you would have to be a minimum of a GS-5 to be comparable to that minimum wage. And many of our locations the minimum wage is not enough to sustain a fair way to live. And we are seeing more and more of that pop up, particularly across the West, but it certainly holds true all across the country, where the cost of living is continuing to rise, and our salaries are staying, fairly, the same.

Senator MERKLEY. So last year we set the floor at \$15, but are there plans for it to go higher than that?

Mr. MOORE. Well, what happened, that is a temporary fix, we looked at about a \$20,000 bump in pay that stemmed the tide of a lot of our employees leaving. I think the challenge now is that if that is permanent, which is proposed in the President's fiscal year 2024 budget, we think that that is going to be a huge help.

One of the other things we have, in addition to the health and wellbeing of our employees, is looking at the housing issue that we are trying to address, which we have a severe shortage in many of our small rural locations across the country. We think that the budget that is proposed really addresses that issue.

And then the other piece that I think is really significant which I think will make a huge difference, is what we call portal-to-portal pay, and not only does that pertain to our full-time firefighters, but it is also what we call the Militia Workforce in the Forest Service, it is our wildlife biologists, our foresters who have certifications in certain parts of the fire program that goes out to fight and suppress fires. And that would pertain to all employees that have qualifications and certifications to participate in fire suppression activities.

Senator MERKLEY. So I want to shift gears. The Bipartisan Infrastructure and Inflation Reduction Act provided for investment in high-risk firesheds, and the Forest Service has targeted areas of my State of Oregon in the North, South, East, and Central Oregon. The Rogue Valley is considered the highest risk fireshed, and it is not targeted by the Forest Service in part because there is not a lot of Forest Service land there. So a lot of Bureau of Land Management (BLM) land, and other multiple land-ownership.

The Forest Service does, however, have other funds that are available to work with states, with private landowners, for cross-boundary work with BLM. Is that flexible enough to provide help with the Rogue Valley fireshed?

Mr. MOORE. Yes. Senator, I am glad you have asked that question, because it comes up fairly often. And you know, we of course have focused on the 21 landscapes that have been identified, but we have other dollars in the budget where we work in other areas that are also at high fire risk, or those important areas. The Collaborative Forest landscape Restoration Program, we call it CFLRP, it is one of those areas where we have a community of people coming together to look at those areas that are important.

And those projects or programs are funded. So we have a lot of work that has been done outside of the 21 landscape that really gets at the issue of reducing, not only the potential to high fire danger, but also for disease of insects, and some of the other types of issues that we are dealing with in our forest today.

You know, Secretary Vilsack just announced earlier this week \$197 million for Community Wildfire Defense Grants, six of those grants have been awarded in Southern Oregon, which goes directly into the areas that you have mentioned.

Senator MERKLEY. And thank you very much.

Mr. MOORE. For the tune of \$22.5 million. And so the point that I am making is that we have other opportunities to work in other areas outside of the 21 landscapes, because we know that there are some important issues all across the National Forest System. And that is why we are maximizing and utilizing our dollars to the best.

Now, the other thing that I would just add on this particular piece too is that, you know, we are trying to leverage every dollar we get with partner-matching contributions. And so far, our work with our partners has really exceeded even the amount of money that we are getting now, whether it is through a BIL, or IRA, or

the appropriated budgeted process, and even Great American Outdoors Act (GAOA) dollars.

You didn't ask this question, but I will say that even through GAOA dollars, our partners have brought in an additional \$200 million towards backlog, and deferred maintenance, and restoration efforts.

Senator MERKLEY. Great. Thank you. Well, forest issues are certainly an issue in Oregon and also in Alaska.

And so we will turn to Senator Murkowski, as Ranking Member.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Chief, I want to start my questions with some of the issues associated with tree mortality. As you know, we have been hit really hard in Alaska with spruce bark beetle. It has been observed on roughly 193,500 acres statewide, more than 98 percent of those acres mapped in 2021, being in South Central Alaska, which of course is where our population is concentrated.

The outbreak is estimated to be now in its seventh year, it has affected over 1.6 million acres since first being documented in 2016. It was around a lot earlier than that, but I think that was when we started really mapping it, but it is a huge issue, and one that we pay close attention to it because of what it means, for not only the mortality, but then what that might mean as regards to a fire threat.

How is Forest Service utilizing the funding that we provided here through Congress to address the outbreak in Alaska? I thought that we were going to be a little more competitive, perhaps, in the Community Wildfire Defense Program Grant, and especially in view of the vast need that we have, but I have learned that only one community in Alaska has received benefits from that grant.

So how do you get money to communities in these areas where the beetle kill really does pose significant threat? And if there is a challenge with the way we have written that, let me know. So if you can speak to some of the threat that we are seeing with the spruce bark beetle?

Mr. MOORE. Sure. Senator Murkowski, you are correct; the outbreak of the beetle has been devastating there in Alaska. Well, what we are seeing is a little bit of a challenge because even we are seeing a change, because even though last year's—look, it was 198,000 acres, or so; we also did survey, aerial survey analysis for fiscal year 2022, last year, and what we are seeing is a rapid decline in the amount of acres that has been affected. In fact, we only saw about 48,000 acres compared to 197,000 the year before.

But even saying that, we have been working with some of the locals there, putting together a plan, and we are planning to work together to look and see: if there is really a continued concern of the beetle; has it reached its peak? So we are going to be monitoring that very closely. But what we are seeing is a trend down currently.

In terms of the Wildfire Community Defense Grants, this was only the first round. We will have many more rounds coming up. In fact, this was the first \$197 million, we have an additional \$800 million, where we are going to be looking at opportunities to do a lot of work, and so I am sure Alaska will fit into some of those future projects.

Senator MURKOWSKI. So it is not necessarily a question of the criteria for the grants themselves. Was it a matter of how much was allocated in that first round and—it just, it is inconceivable to me; I mean when you talk about 1.6 million acres of a beetle kill, seems to me that our communities would be eligible for more than one of these Community Grant Programs.

So if there is—again, if there is an issue with how we are competing for those let us talk about it. If it is an issue that we haven't done much to provide for a bigger grant funding pool, let us talk about that, or if it is, again, the criteria; you know: Is it based on population that might be impacted? Well, I will share with you, and if you haven't seen it, just driving down the road, driving down the road.

Let me ask though, because I am talking about the impact in South Central because of the spruce bark beetle, but down in the Tongass we just—you know, spruce bark beetle really hasn't been a significant threat or concern, and in just the past few years now, we have seen the black-headed budworm that is just absolutely wreaking havoc on the coastal hemlock, and the spruce down there in southeast.

So this is new for us. And what we are seeing, it is traveling like wildfire, and what you look at, as you are as on the coast, or flying above, you can visually see the movement there. Nobody is really talking about it, but it is an outbreak that I am really concerned about. And again, as we are seeing warmer temperatures, we never used to worry about wildfire in the Tongass because the Tongass is a rainforest. Well, that rainforest is not always wet, and if we are seeing this level of mortality brought about by a different invasive species, what is the plan here?

Mr. MOORE. So Senator, we do have our researchers looking at that area, particularly with the outbreak of insects, as well as diseases there in the area. So we will be paying close attention to that, and we will be working with the community there. So we have not, and will not forget Alaska, and how it fits into having some of these opportunities to get these grant proposals. And like I said this first round was really looking at high wildfire potential. And I hear you that there is potential there that didn't used to be there, particularly since it is supposed to be a rainforest, but not every year is the same.

But just know that we are paying attention to Alaska, we do intend, and I would say that, for sure, that there would be an opportunity to fund some of those areas in Alaska. This was really only the first go-round, and we were really focused on high fire danger, and potential areas there.

The other thing that—and Alaska is starting to do this, is working with community leaders, looking at areas to focus on. And so when you are applying for these grants, we are looking to see what the state has done to map out some of these areas; and where this first go-round it went—a lot of those projects went to states that have already done a lot of their mapping throughout the state.

Alaska is working on that now. We have a group there that we are working with, and I am confident that Alaska will be competitive, going forward.

Senator MURKOWSKI. Chief, my time has expired. But I do want to impress upon you that right now the community leaders, the mayors of the Borough of the Kenai Peninsula, as well as within the Anchorage area, they are coming to me, not for more in appropriations, because they are not counting on that, they are counting on me for congressionally directed spending.

They want me to take care of their number one priority, which is the fire threat to their region, very immediate, very real, and so I would ask that we have a little better understanding in terms of what more we can be doing to help these threatened communities.

Thank you Mr. Chairman.

Senator MERKLEY. Senator Britt.

Senator BRITT. Thank you so much, Mr. Chairman. Thank you, Ranking Member. It is a pleasure to be with you all today.

Chief Moore, appreciate you being in front of this committee, and the important work that you do. I also want to say thank you for sending me a welcome letter, and welcoming me, obviously, to the Senate and to this Committee. I certainly look forward to being able to work with you.

As you know, forests are incredibly important to Alabama, they are one of the main reasons our state is known by many as “Alabama the Beautiful”. Alabama is home to over 23 million forest land acres, the third-most in the Continental United States. The people of Alabama are hard at work putting that land to good use. In fact, forestry contributes to 1,100 jobs—excuse me—over 100,000 jobs in our state. All of the work leads to a total economic output of about \$27.7 billion.

The state produces almost every wood product you could possibly imagine, from lumber, to paper, to cabinetry, to pallets, to flooring, to oriented strand board. These products are used by Alabamians, by our neighbors, and all across the globe. Thankfully, we are able to export about \$1.3 billion in products overseas.

With an industry this productive, and resources so crucial to our state, Alabama forest owners know that we have to take care of the gift that God gave us, and the greater forestry community in Alabama has demonstrated that principally, incredibly well.

Private landowners know that they must take care of their land if they are going to leave things better than they found them, leave things better for their kids and their grandkids. And as I consistently say, there are no greater stewards of our lands than our farmers, foresters, and cattlemen.

I think that is why over 91 percent of Alabama’s forests are privately owned, and the state still continues to add 2 to 2.5 percent of tree volume year over year. The administration’s fiscal year 2024 Budget for the Forest Service includes \$60 million to install charging equipment for electric vehicles on public lands, which is clear that the Green New Deal has certainly made its way into the Forest Service budget.

However, that very same budget cuts \$3 million from Landscape Scale Restoration Grant funding. I believe this funding, obviously, has supported efforts to reduce wildlife fire risk, its improved forest conditions, and also mitigated disease, and blight conditions that are facing our Nation’s forest. In Alabama we have found these

funds to be useful to expand the use of drones, and train drones, pilots, to combat and prepare forest fires.

In your experience how effective have we been in using drones to track the spread of forest fires? To use that information to assist us as we fight forest fires in their efforts in the future?

Mr. MOORE. So Senator Britt, again, welcome and thank you thank you question.

Senator BRITT. Thank you.

Mr. MOORE. I might add too, in terms of wood innovations, you know, one of the things that we bragged about Alabama last week, was that you also have a cross-laminated timber facility there as well. And so I know Georgia would like to have their own, but right now they are borrowing from Alabama, so good on Alabama.

Senator BRITT. Yes. We are proud to be a leader.

Mr. MOORE. Yeah. The other part of your question, though, I think Alabama, but as well as the South, in general, plays prominently in how we look at wood, and how we look at the innovations of wood, but also, you know, looking at the use of drones.

The Forest Service had just recently gotten into the use of drones to do a lot of different types of forest management, including wild-fire suppression, prescribed burning as well. In fact, we call it: the southern region is right now it is leading the nation in prescribed burning, but also using drones to help with that facility. We know that there is always a safety risk when we use helicopters to look at increasing the amount of prescribed burning that we are doing, and so one of the alternatives to mitigating that safety issue is to look at drones to do prescribed burning.

So we are moving into that arena in a really rapid way, and we have already started licensing and certifying a lot of our employees to operate the drones. And so we are headed in that direction, and we are going as quickly as we possibly can.

Senator BRITT. Well, thank you. I hope that we continue to use those resources to make smart decisions moving forward. And I want to thank you for the work that you and the Forest Service continue to put into Alabama and helping keep Alabama beautiful, and obviously, protecting the many livelihoods that you just referenced yourself.

I was happy to see the emphasis you placed when you wrote me that welcome letter, on collaboration, and working to avoid these catastrophic events, wildfires, and other things in areas like Alabama, that would require robust local engagement to make good land management decisions.

And so the Forest Service received about \$10 billion in fiscal year 2023. How are you using those funds to address and mitigate threats of cross-boundary fires, you know, that start on Federal lands and obviously cross over into private forests?

Mr. MOORE. You know, one of the strategies of the plans we have in the Wildfire Crisis Strategy that we have developed, is to look at two pieces. We have said that we want to address 20 million acres of Federal lands, of Forest Service lands, as a matter of fact, but an additional 30 million acres of other Federal, tribal, and private lands throughout the country.

Senator BRITT. Okay.

Mr. MOORE. And so when we look at addressing to scale, we are looking at landscapes, and when we look at landscapes it is multiple jurisdictions.

Senator BRITT. Okay.

Mr. MOORE. And so we want to be able to deploy the work in a way where it is effective. So we will be looking at strategically placed treatments across the landscape. In fact, our scientists are telling us that when you look at a fireshed, as an example, which is about a 250,000-acre block, we only need to treat anywhere between 20 to 40 percent of that to have a positive effect on how that fire behaves when it moves through that fireshed.

Senator BRITT. Okay.

Mr. MOORE. And so we are looking at that. We are using science as a foundation for making decisions of how we approach that, and we also know that the only way forward is to do it in a collaborative manner, where we invite a community of people into the decision space to talk about what we need to do out there together.

Senator BRITT. Thank you.

Mr. MOORE. And so that is the direction that we are headed in. We know that we need to invite the people into the decision space not just, you know, in the position of giving us their recommendation, but making them a part of the, deciding what the problem is, defining what the problem is, but also helping to pursue the solution together as well.

Senator BRITT. No. I certainly appreciate that spirit of collaboration, and letting everybody have a seat at the table. I see that my time has expired, and so I will submit my additional questions for the record, Mr. Chairman.

Senator MERKLEY. And if you have the time to stay approximately 15 minutes from now, you will get another opportunity.

Senator BRITT. Okay sounds good.

Senator MERKLEY. Great. Thank you, Senator Britt.

So I want to jump into the complexity of the funding to fight fires, we have the Base Funding, we have the Reserve Fund, we have the Supplemental, and we have Carryover, all of which can get very confusing. But the Reserve Fund is set up under a legislation that essentially increases it by \$100 million a year. So fiscal year 2024 request is \$2.650 billion rather than \$2.550 billion.

And is it, given the accelerating costs of the wages, the investments in housing, the expansion of the fire season, the increased number of acres being burned, is that enough? Or do we need to fix the Fire Fix?

Mr. MOORE. First of all, I want to thank Congress for the Fire Fix, because it certainly helped in terms of limiting our ability, and really stopping our ability to use other non-fire dollars to use toward fire suppression when we have exceeded the cap. So we will always be grateful and thankful to Congress for the Fire Funding Fix.

What we are seeing though, over the last 3 years, two of those years we have exceeded \$3 billion for fire suppression, and when we looked at that legislation, Senator, we had no idea that we would reach this point this early in time. And we already are getting forecast from our researchers telling us that between now and

fiscal year 2027, that we are going to be seeing those calls exceed, or up to \$4 billion per year for fire suppression.

And so if that continues, and if the legislation expires, then we may be returning back to fire borrowing as we did in the past, which would really be devastating to all of the efforts that we are trying to put forward now, looking at trying to reduce the wildfire crisis.

Senator MERKLEY. Yeah, absolutely. We are determined to try to prevent that fire borrowing, which is why we are keeping the window open for a supplemental of another \$450 million. When you have to shut down all the other things you do and then wait for us to do an emergency supplemental to refund you before you can pick up your other responsibilities; that is just unacceptable in terms of the stewardship and management of our forests.

The Civilian Conservation Corps folks, we have a number of them in Oregon, and they really give a second chance to a lot of folks, 16 through 24, who are looking to get their feet back on the ground after maybe going off track. And the forestry programs they offer are quite significant and popular. The students can be paid when they work fighting fires, but they are not—the Forest Service is not authorized to pay them when they do non-fire work, in terms of forest stewardship, forest maintenance, and yet they are working right alongside others who are getting paid.

Do you support Congress giving you the authority so these folks can be paid when they are doing forest management, as well as when they are doing firefighting?

Mr. MOORE. Yes. Senator I would always support justice and equality. Yeah, we currently have limited authority to compensate Job Corps students, primarily because they are not Federal employees, they are not contractors, nor are they part of a non-government organization. So our staff and our legal counsel, right now, are completing their review of the proposed language, and we will be responding shortly back to you on suggested edits, if needed.

Senator MERKLEY. Great. We look forward to your suggestions on that area. I want to turn to tribal co-management. The Klamath Tribe in the southern part of Oregon, their reservation was taken back by the Government when the tribe was terminated. The tribe was restored but they did not get their reservation back, but they would like to have co-management ability on the Winema, and the Warm Springs Tribe would like to be able to do that on the Mount Hood Forest.

What can we do to actually implement significant co-management work that I find completely appropriate and valuable?

Mr. MOORE. Yeah. I would like for you to know that I share your perspective on this. We have increased a number of shared stewardship agreements with tribes, we are looking at plenty of other opportunities where we can co-manage some of our facilities. We are looking at one now up on the Pactola, up in South Dakota, as an opportunity to co-manage that particular area there.

So it is going to take time, but we agree with that philosophy, that approach, that we would like to do more working together with the tribes.

Senator MERKLEY. Good. Well, I really hope we can see that unfold. I think it would be very significant to the tribe. After all,

these forests are on the traditional tribal lands, and they have high unemployment rates, they have a lot of Klamath forest management knowledge to bring to bear. And so it could be a real win-win.

You had mentioned the work on staff housing, but right now it is just kind of a line item. I mean we have buildings that have to be reopened, or we have to build new buildings. Is there a detailed plan? Certainly without places, where people can stay, or afford to stay, it is very hard to relocate in a lot of our rural areas where the Forest Service does its work.

Mr. MOORE. Yes, Senator. I will check to see if we have a detailed plan but we know that we have a lot of housing facilities that need some significant remodeling and investing in. And I am happy to report that the President's Budget has put aside \$50 million to look at this issue, and we think that that is going to go a long ways in restoring a lot of our facilities.

Senator MERKLEY. Great. I look forward to a detailed plan on how we can use that effectively to expand the availability, because I am just hearing from everyone that in terms of hiring people, and retaining them in remote areas, it is almost impossible, as there is no place to live. Somehow the prospect of working for the Forest Service while you live in your car is not such an entertaining one.

I noted with interest a recent request for proposals from the Daniel Boone National Forest in Kentucky where they required that all proposed designs utilize mass timber. Mass timber is a very significant product in Oregon. And it sequesters carbon in buildings, it has more earthquake resistance, it really is a fabulous kind of engineering advance. How about we make this requirement for all the Forest Service RFPs?

Mr. MOORE. Well, if Congress decides to do that we will certainly give it our best shot to make it happen.

Senator MERKLEY. Well, I think it is actually something that you would have the power to do without legislation, just as we have seen the model in Kentucky, but I will keep raising it.

Okay, let me turn to Senator Murkowski.

Senator MURKOWSKI. I would like defer to, also another new member of our committee. It is nice to have Senator Fischer on. So before I go to my second round, I will defer to her.

Senator MERKLEY. A pleasure to have you Senator Fischer. Sorry I didn't look over, and see you had arrived; welcome.

Senator FISCHER. Thank you, Mr. Chairman. Thank you, Senator Murkowski.

Nebraska has experienced a significant number of wildfires the past couple of years, including the second-highest year on record in 2022. In a rural state like mine, where nearly 94 percent of the fire departments, are entirely volunteer-run, programs like the Volunteer Fire Assistance Program are crucial.

The Nebraska Forest Service helped hundreds of fire districts in my state, 475 in 2022 alone, improved their ability to prepare for and suppress wildfires. While we understand that this program did receive some Infrastructure Bill funding, I was disappointed to see the program level funded in your fiscal year 2024 budget request, along with other important programs, like the State Fire Assistance Program.

Given the increased threat that wildfires pose, and the resources needed by these communities, like those in Nebraska, can you discuss how that decision was made to level that funding?

Mr. MOORE. I cannot, Senator, tell you what went into the decision to level that funding. What I can tell you, though, is that as we look at many places like Nebraska, and certainly Nebraska, there are many other opportunities where we are working with the State National Association of State Foresters, and in this case your State Forester, looking at other programs that we work through the state, with the state, to look at reducing the fire opportunities throughout.

Now, if you have a particular area, then I would address that specifically, but I am not familiar enough with Nebraska, and what we are doing specifically there, but I would be certainly happy to work with you and to look further into this.

Senator FISCHER. We have tens of thousands of acres of Forest Service land, probably unusual from the Oregon land that they have, because ours are grasslands, and they are sparsely populated areas. So the Forest Service is very, very dependent upon neighbors for ranchers to come in and help control those fires, because as you can imagine, in the Sandhills of Nebraska, in the grasslands that we have when it is—when we are suffering drought, as we have been for several years, when the winds are blowing, when you have fires started, they don't just remain on Forest land.

Mr. MOORE. Right.

Senator FISCHER. They cover miles, and miles, and miles of acres. And so our volunteer fire departments are essential to helping to control fires that are on Federal lands as well. So I hope you could get back to us on why we are not seeing an increase in the funding to help those volunteer fire departments that would be helpful for us?

Mr. MOORE. Certainly.

Senator FISCHER. Thank you. In your written testimony you highlighted the fiscal year 2024 request for \$72 million across several areas of the Forest Service, for zero-emission vehicles and charging infrastructure. When you think of all the challenges that are facing the Forest Service, do you think that electric vehicles and charging infrastructure should really be an area that Federal funds are prioritized for?

Mr. MOORE. So from my experience, Senator, you know, we try and serve the American people, and what we have noticed is that more and more people are buying electric cars and they are visiting the national forest. And the ideal that you would be able to visit the national forest and not worry about whether you need to charge your car to get back home, you know, it is an opportunity for us to try and respond to that part of America. And so that is the ideal there.

Now, looking at the funding itself, it is for the infrastructure as well as for the vehicles themselves, and I believe the Federal Government is looking at: What are the opportunities to look at having some of our Federal vehicles that are electric, to look at this greener environment. So there is a lot of reasons to want to support that.

Senator FISCHER. You know, with all due respect, sir, I would point out that the first two programs that I mentioned were to help and prevent wildfires.

Mr. MOORE. Yes.

Senator FISCHER. I believe your duty is to properly manage the land that is held by the Federal Government, and be able to, as I said, manage it, and manage it properly. When we looked at those other two programs, dealing with managing wildfires which I pointed out in my area, can whip up in dry conditions, devastating wildfires across grassland and across private land as well. But yet we saw level funding, or a decrease in funding in your budget request for that. I am appalled by that.

I respect the tough decisions that you have to make on where funds are allocated, but when you look at \$72 million requested for Electric vehicles (EVs) and charging infrastructure, while only 21 million is being requested to assist these volunteer fire departments, that are vital in wildfire suppression, that does give me pause. And I will continue to advocate for more funding for programs that truly are able to take care of the land that the Federal Government has.

We are looking at 97 percent of Nebraska's land that is privately owned, so when we have partnerships with our Forest Service, the state foresters, and local landowners, that is, to me extremely important in keeping that land healthy, in keeping that land productive.

The Nebraska Forest Service was able to help over 1,300 landowners receive educational or technical assistance in 2022. So that is over 40,000 acres that are now covered by new or revised forest stewardship plans, and 33,000 of those acres are identified as important forest research areas.

So I was glad to be able to see the President's Budget request ask for a slight increase in that funding to \$14 million. As I said, my job I think is to be able to focus on the land, and the care of that vital resource that the Federal Government has control over. So I do thank you for that request.

My time is up; but if I could submit a question for the record? Thank you.

Senator MERKLEY. Absolutely.

Senator FISCHER. Could you let us know how that program which I just referenced would help private landowners to develop management plans, and what you see as the importance, in your decision-making, and making that slight increase in funding? Thank you.

Thank you, Mr. Chairman.

Senator MERKLEY. Thank you, Senator.

And Senator Tester.

Senator TESTER. Thank you, Mr. Chairman, and Ranking Member for holding this, what is a very important hearing. And thank you for being here, Chief Moore.

Montana, we rely on access to our national forest to help drive a \$7 billion outdoor recreation economy. It is critically important because it employs a lot of people. I am in agriculture, and I am proud of the fact that agriculture is the number one industry, but it could be argued and pretty effectively, quite frankly, the outdoor recreation is the number one issue, and our public lands rely on

that. Our forests, our watersheds, the collaborative relationships with your agency, with partners, and responsibility to manage timber, that drive the economy in many towns in Montana. And we rely, our communities rely on your agency to protect watersheds, shield them for the worst impacts of wildfire, and I do look forward to hearing how the Forest Service are going to do that.

But I want to talk a little bit about categorical exclusions for a second. How do you see—Congress gave you categorical exclusions, how do you see the Forest Service using those?

Mr. MOORE. We are using them quite extensively, Senator.

Senator TESTER. Okay, for?

Mr. MOORE. Well, a range of projects. Whether it is primarily within the timber arena, we are certainly using categorical exclusions there. We also have the ability to look at, particularly where we have the emergency landscapes, to use some of the emergency authorities that had been granted to us. So the Secretary has given me the authority as Chief, to look at using the emergency authorities on projects within those high fire; firesheds.

Senator TESTER. So I would say, by your description you gave right now, that would be Congressional intent. That is how I believe categorical exclusions should be used too.

Unfortunately, and I do say “unfortunately” with the strongest of terms, a categorical exclusion was used not to cut trees, or not to prevent forest fires, but to allow a corporation to set up in our forested lands, in our national forests, a facility that would include a lot of potential devastating impacts. And it was done using the categorical exclusion, which means no public input. Could you tell me why that was done that way?

Mr. MOORE. Well, categorical exclusion doesn’t mean there is no public input, categorical exclusion means that generally, that the issues are not of a significant nature to warrant an environmental assessment, an EA or an environmental impact statement.

Senator TESTER. A very good point. They didn’t think it would have to have an environmental impact and what criteria did they use on that, to allow a corporation to come into Montana to set up and this was in the Seeley area—to set up a huge recreation resort, and I can tell you, unequivocally, the people were not heard and decisions were made by the Forest Service, by folks on the ground, without taking public input.

And if the people wouldn’t have stood up and said: Foul, this is baloney, this project would have been built. Using a categorical exclusion, by the way, that was meant for cutting trees not for recreational purposes, at least that is why I believe a categorical exclusion was put in.

Mr. MOORE. So Senator, I will look into this and get back with you. But you can use category exclusion for more than just cutting trees.

Senator TESTER. I got you.

Mr. MOORE. Okay.

Senator TESTER. The question is: Is that Congressional intent? And I am going to tell you that I would never, ever, ever have voted for a categorical exclusion for the purpose of making some corporation rich off our public lands, never happen, never going to

happen. But if you want to use it to protect the community due to wildfire, now that is why you have a categorical exclusion.

And that is the point I am trying to make here, is that I think—I will be honest with you, I am not saying it was you, but you are the boss, so you have got to take the heat for everybody below you. But I think somebody said they found a loophole here, and they cut a deal. And the Government should never be cutting a deal. They should be listening to the people on the ground, because it is really important, especially, in a state like Montana, where our national forests are so critically important to our economy in a number of different ways, both Recreation and through wood products.

And so I want you to go out and find out. This has been something that has given Government a bad name. And it is in the Forest Service's lap, and folks need to step up and say look—and I think they have, but not without—it would never happen without incredible public input, letters to the editor, town hall public meetings. Where, by the way, Democrats, Republicans, and Independents. I mean the Forest Service did a great job uniting these folks, which is good we need—we have got too much division in this country, but this isn't how we should be doing it. Okay? And that is the point I am trying to make.

So I appreciate you look into this, hold people accountable, make sure that the folks that are on the ground are listening to people on the ground because it is really important.

Now, I want to talk a little bit about fuel mitigation and priority landscapes, which we are spending hundreds of millions of through IGA to proactively address the wildfire crisis because of climate change, it truly is a crisis. I mean, we have got beetle-killed trees, we have got longer and more intense fire seasons. And I appreciate the work that you are doing in the Kootenai, but at the end of the day we have got tremendous need for hazardous fuel treatments to protect wildland, urban interface, transmission lines, and municipal watersheds.

And I would ask that that how were Montana landscapes, with significant Bowie municipal watersheds, and standing dead trees bypassed in this process, because they were bypassed? So how could that happen?

Mr. MOORE. So they were not bypassed. And this is not the only opportunity that we have to do work in Montana.

Senator TESTER. Yes.

Mr. MOORE. We are doing a lot of work in Montana.

Senator TESTER. Yes.

Mr. MOORE. We will continue to do work in Montana, Senator, and we just don't have, as good as the budget is, we don't have the amount of money to go around to everyone, and do all of the work that is really needed. And I would agree with you, Montana, but so many other communities, has so much work and so many areas that need attention.

And while I would hate to ever say that we can't get everywhere, Senator, we can't go everywhere, but we are going to try. We are paying attention to Montana. We are doing a lot of work in Montana.

Senator TESTER. So I would just say this. The Bipartisan Infrastructure Bill that the Ranking Member and I helped write, with

eight other people, gave significant money to the Forest Service. And for the forest in Montana, and we have many of them, and you are intimately familiar with them to be bypassed in this last round is—of IJ dollars, does not does not make a lot of sense to me, quite frankly, but I have got, you know, this is, I am looking at it from a Montana point of view.

But I would just tell you, I look forward to working with you, and the Kootenai, and Basin Creek, and all sorts of other places, to get more hazardous fuel reduction, because I think it is critically important. We have got too many dead trees.

I want to thank the Chairman for letting me go over. Thank you.

Senator MERKLEY. Thank you very much, Senator Tester. And a lot of your forest issues are similar to what we have throughout the West, including Oregon.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Chief, I want to discuss the issue of opportunity between the Forest Service and many of our tribes, specific to tribal co-management. As you are aware, we had the this blueprint for Southeast Alaska that was developed a couple years ago, issued actually April of 2021, but it had a lot of actionable priorities, including some strategies to extend to the 19 tribes in the region more decision-making through tribal management and co-management opportunities, specifically to 638 contracts.

We are looking at the Farm Bill, moving forward and different initiatives within that measure right now. But we have got a situation with regards to opportunities with 638 contracts that we may need to address some of the language.

In the 2018 Farm Bill it authorized the use of Indian Self-Determination and Education Assistance Act's Agreement, the 638 ISDEAA, for a few projects under the Tribal Forest Protection Act, but under this Act tribes are restricted to contracting only for projects on Federal lands that quote, "Border or are adjacent to the Indian forest or rangeland."

So of course, this doesn't work in Alaska, and it is also restrictive in the Lower 48. We have got folks in Alaska, again, that are interested in this. We are going to have a hearing in Indian Affairs this afternoon, it is a roundtable on Farm Bill. But one of the witnesses there, Richard Peterson, who is the President of Tlingit & Haida, Central Council, is going to be speaking specifically to how the 638 Authorities will be important for workforce development, for food security, for increased economic opportunities. They are looking specific to what can be done with regards to tribal management there at Mendenhall Glacier.

So there is a lot of interest in this, but we have heard that the 638 contracting needs to be broadened, as well as including some technical assistance. Can you speak to this issue on whether or not you see this as an opportunity?

Mr. MOORE. So Senator, you described it accurately in terms of what the concerns are, and what the issues are under the 2018 Farm Bill. And we will be more than happy to work with you on this issue, looking at a potential new Farm Bill.

Senator MURKOWSKI. So do you think then that we need to address this language that limits it to these Federal lands that are

either bordering or adjacent to, because it is not just Alaska, it would be throughout the Lower 48, where you have got some challenges there.

Mr. MOORE. Yeah. Senator, I think the word that was used specifically there, is that they would have to have trust lands that are adjacent to or border national forest, and since my understanding, with the exception of one tribe, there are no trust lands in Alaska. So as you look at the new Farm Bill that is where we would be happy to work with you going forward on this issue.

Senator MURKOWSKI. Okay. So maybe you can work with us on some of this TA that we are looking for?

Mr. MOORE. Yes, absolutely.

Senator MURKOWSKI. Okay. I appreciate that. Let me ask, back to Southeast here, as you know, pretty much that entire region is, thankfully, powered by hydropower, it helps with offsetting some of the other high costs that they have right there, but hydropower projects in the region are hard to develop of course the Roadless Rule makes it even more difficult.

One example is Thayer Creek. This is a hydro project that needs limited road development that relies on rights-of-way granted by the Forest Service to access the project, so what we have got going now, is we have got state and Federal highway funding that is available for the road development, but the funds can't be used for roads with controlled access, which is the very condition that Forest Service requires in order to grant the necessary right-of-way.

So it puts everything at an impasse. We need some help working through this because obviously you want to be able to have these—I mean these are very small hydro projects which are able to take communities off of their present power generation which is diesel, which is nobody's alternative.

Mr. MOORE. Right.

Senator MURKOWSKI. But yet we have got this impasse. So I don't know, again, if you can give me somebody to help us through this. But if we are going to be looking at a situation where the Roadless Rule is going to be this wet blanket on top of us, we can't be in a situation where we have got an impasse like this; would you agree?

Mr. MOORE. Yeah. I certainly would agree. And I can give you someone to work with, as we work through that. And let me say, too though, we recognize that with the Federal lands that is in Alaska that we need to be working across the aisles to make sure that Alaskans have the necessary way of life, if you will, to exist.

And so we will look into that. I will give you a point person to work with, or your staff, and we will see what opportunities we may have to pursue.

Senator MURKOWSKI. Okay. Well, we don't want a project like that to be the poster child for what most would look at and say: There is a common sense, straightforward solution here to getting communities off diesel power generation. And it is our own policies that are blocking or impeding that.

As we are talking about opportunities within southeast, we have got one project there that, again, kind of defies understanding as to why we can't advance something as small as this. The Hoonah Indian Association, working with the Southeast—excuse me—the

Sustainable Southeast Partnership, and this is exactly what these things are designed to do. They have they have got this idea that they can take the Icy Strait's Lumber Mill, a small, little lumber mill to handle young growth to establish locally sourced lumber for housing, and a housing manufacture facility there in Hoonah.

So super-small scale, but basically designed to get a little bit of product to meet the housing issues that the Chairman has noted, are just very, very problematic, and certainly within this region.

The bipartisan Infrastructure Bill provided 400 million for financial assistance to facilities that use ecosystem restoration byproducts. It is exactly what we are talking about here. So I am not asking you to put your finger on the scale, but projects like what we are talking about in Hoonah, the Icy Strait's project would seem to me are just tailor-made for what we are talking about with that program.

So I am hoping that Forest Service could potentially look to projects like this. And again, if what we are trying to address are some of the housing needs in the area we have the opportunity for a locally sourced product there.

What more can we be doing working with Forest Service and USDA for projects just like this? It is not only the housing it is the jobs that come associated with a small mill project like this?

Mr. MOORE. You know, Senator, while I am not familiar with this particular project, I am familiar, and I am aware that there are many small communities, particularly small rural communities in Alaska, that is having challenges to affordable housing. And the conversation that you are bringing is one that I think we need to have.

You know, what are the opportunities we have to really address this whole affordable housing issue? And while I don't have the answers yet, I would be keenly interested in working with you, or your staff, to see what flexibility we might have to look at addressing this issue, because I think that if we can come up with a solution, it is a more widespread than Alaska.

So I am very interested in seeing what is possible. And if we can move the dial a little bit on this issue, I am in for it 100 percent.

Senator MURKOWSKI. Mr. Chairman, I have I have two more quick ones. But I will defer to you if you are going to go forward with more rounds.

Senator MERKLEY. I will go ahead and do my final two.

Senator MURKOWSKI. Okay. Go ahead.

Senator MERKLEY. And I will turn it back to you.

So Chief Moore, the budget proposes to move the Hazardous Fuels Program from the National Forest System Account to the Wildland Fire Management Account, and yet if I turn the clock back a few years, the request was the reverse. And given that year-round wildfire is becoming the norm, it is difficult to understand how fuels projects would be completed if firefighters are routinely called up for wildfire duty. Can you just comment on this philosophical change, that would be involving returning the fuels line to wildland fire management?

Mr. MOORE. So Senator, I think, you know, you are you are hitting on something that puzzles me as well. We have gone back and forth on this issue, and each time we have gone back and forth we

have had really good rationale for making that decision, and I do believe that no matter which way you go here, if that is a good rationale for it.

One of the things that I support is putting it back into the NFS side, because when you look at prescribed burning as an example, it is about more than just the firefighters. We have a large militia part of the workforce that are qualified and certified to do the different fire activities. And so I think we have to look at: how do we continue to cross integrate all of our employees into an area that we are trying to increase a lot of growth in? That is prescribed burning.

When we look at the Wildfire Crisis Strategy we say we need to do a couple of things: One, we need to go in and do a lot of forest thinning, and after the thinning we need to run a prescribed burn through it. The Bootleg Fire is one of those examples where we hold up as a model for how we should treat the landscape to really get at this wildfire crisis issue.

And I don't know if you have seen the poster, or not, but it is three, and it is a really good display of the different treatment methods, or versus non-treatment methods, what helps us most is our, what we call ADs Administrative Determined employees. But also our non-firefighter workforce who has a lot of skill sets to make that happen

Senator MERKLEY. Well, I can see the argument both ways, and we will continue in that discussion. Certainly, the idea that many folks do, it is appropriate for them to move into forest management work when they are not fighting fires. It is just one direction, your point, that these are two separate functions. One, and sometimes separate training in which you are doing the work to prevent fires versus fighting fires is the other, and it is clear that that argument is going back and forth.

Northwest Forest Plan Revisions. I understand the Forest Service intends to establish a Federal Advisory Committee to advise and recommend revisions of the current management plan. And we were asked to nominate individuals. I have nominated several. Can you tell me when the committee will be formally seated to begin work on this important planning process?

Mr. MOORE. Yes, we have just finished up our part of that nomination, and we sent it over to the Secretary's Office for him to make the final decision.

Senator MERKLEY. Great. Thank you.

Senator MURKOWSKI. Thank you, Mr. Chairman.

I had mentioned in my last question there, Chief, the Southeast Alaska Sustainable Strategy, \$25 million spent so far and, it is always described as quote, "An initial investment". So I don't know if you have any update for me on what more might be included. Will those funds be targeted towards long-term economic sustainability?

It kind of ties into my question about the Hoonah modular housing and manufactured Lumber proposal. You know, maybe something like this, again, could be part of what you are thinking about in terms of the Southeast Alaska Sustainable Strategy (SASS).

Mr. MOORE. Yeah. I don't have any information at this point, Senator. But I would be happy to follow up with you to go into a little bit more specifics on the SASS.

Senator MURKOWSKI. Right. I would look forward to that. I had an opportunity to meet with some folks from the Southeast Alaska Economic Council, and part of Alaska Municipal League (AML), talking about exactly, the initiatives that would be available through the Sustainability Strategy.

So there is a lot of interest in knowing: All right, what comes next? Because if what you are saying is that you are going to take the entire Tongass off limits when it comes to economic activity because of application of the Roadless Rule, and you are saying \$25 million is it. If we are talking initial investment which is what the administration had indicated, then let us talk about what comes after the initial investment. So I would like to have more conversation with your team about that.

I do want to thank you for your assistance in finalizing the Chugach Region Land Study, appreciate that. As always, there is always one more thing to do after that, so I am hoping that we can count on the same kind of can-do working relationship on the Chugach land, exchange proposal, it may end up requiring legislation.

The hope is that we can reach agreement on the contours of the exchange in the coming year. So I would just really ask for your commitment to work with me and Chugach to make this a reality.

Mr. MOORE. Absolutely, yes.

Senator MURKOWSKI. Good, I thank you for that. And then a project that I have been interested in and believe me there is a lot of excitement about the prospects for the Alaska Long Trail. This is a 500-mile trail to connect between Seward and Fairbanks, a portion, includes the Southern Trek of the Iditarod in the Chugach.

But a lot of our small communities are excited about this. The businesses that depend on tourism and outdoor recreation are excited about that. So as we do have portions of the trail that cross Forest Service lands, just looking for a commitment to work with me to maintain and improve the recreation opportunities within this exciting project.

Mr. MOORE. Yes. We are committed to working with you, and particularly looking at improving recreational opportunities.

Senator MURKOWSKI. Good. And then last point is the things for what we are doing there, particularly in the Tongass, but the Chugach as well, with regards to public use of cabins; again, very, very popular in the region. This came to my attention because the cabins were being destroyed, or removed if they needed maintenance, instead of allowing for a more cooperative effort.

So the \$20 million that was included within the Bipartisan Infrastructure Bill is important. I am hoping that you are going to be able to provide us a little bit more of a plan, a detailed plan so we can share with people in the region what the status of those public-use cabins will be going forward?

Mr. MOORE. Yes. We will be happy to provide that to you.

Senator MURKOWSKI. Good, thank you.

Thank you, Mr. Chairman.

Senator MERKLEY. Thank you, Senator.

And thank you, Chief Moore. Obviously a lot of responsibilities that end up affecting many different communities, and many different forests, and look forward to continuing the partnership and working with you and your team. Any final comments you would like to make?

Oh, well. Here we are seconds from the gavel which was just coming down.

Senator HOEVEN. He thought he was safe.

Senator MERKLEY. Well, Senator, we will turn it over to you.

Senator HOEVEN. Thank you, Mr. Chairman. And I know the Chief thought he was in great shape, all done. I know he had mastered all the questions just right. But one of the things I want to start with.

And please—thank you, Mr. Chairman; and Ranking Member for allowing me to ask my questions.

We are unique in terms of the Forest Service, and then we have the grasslands in North Dakota, and it is very important that you come out and see them because—just to get an understanding, because it is different than traditional forest, obviously. But also I think it is incredibly important for the people that live, and work, and ranch out there, and because we have the multiple uses out there, everything from, you know, of course ranching, but also incredible energy development, like the Ranking Member is very involved with, but also tourism, and other things as well.

So I would like to ask you to work with us to bring you out to—of course now it is spring—so you know, we haven't quite gotten rid of winter yet, but we are getting to a real nice time of year. And I would very much like you to come out. And it is not only important in terms of your understanding of the grasslands, but also they the folks out there need to see you.

Mr. MOORE. Yeah.

Senator HOEVEN. And know that you are finding out what is going on, and listening to them. So that is kind of a long invitation, but I would like you to come out to North Dakota, and spend some time in the grasslands.

Mr. MOORE. Senator, can I say that I would love to come out to North Dakota. And you might be pleased to know that I used to live in North Dakota.

Senator HOEVEN. No way. Did you say that to every member, that you used to live in their state?

Mr. MOORE. I started my career in North Dakota, in Dickinson, Lakota, lived that whole area. So I contoured North Dakota. I was just out there about six weeks ago as well.

Senator HOEVEN. Oh; fantastic.

Mr. MOORE. Yeah. But I am very fond of North Dakota. It used to be my home.

Senator HOEVEN. Well, that is great. Then, you know how to get there, and you will be welcomed. And it really is important that, it makes such a difference in terms of the folks that live and work out there, as you know, having been out there.

One of the things that we worked on is, we have really worked to secure some funding and find ways to bring the grazing associations together with the counties and the townships, and your folks,

the Forest Service folks, the State of North Dakota, in an effort to make improvements out there.

And that is a bit of a challenge, because some folks want improvements for ranching, some folks want improvements for tourism. And you know, so there is a natural tug and pull there. And we have set up a working committee to kind of oversee some of the funding that we have put together for that which includes both Federal, state, and local funding. And so are you willing to commit to work with us on that?

Mr. MOORE. Yes, I am; absolutely.

Senator HOEVEN. Good. And so that that just dovetails very well with a trip out there.

Staffing, how are you doing on your—I know you have real challenges on staffing—how are you doing there? How can we be helpful?

Mr. MOORE. So you know, it is a really great question. I will give you an ideal of the staff. And last year we hired about 3,500 employees, but we lost 2,700 through attrition. And so all of that hiring we did only netted about 800 in terms of capacity. And so we are seeing that, we don't know how much of a trend that is, but we are going back out again to advertise for about 2,500 additional employees to see if we can't look at getting our capacity up to really look at implementing the Wildfire Crisis Strategy, but also to look at, say, implement other parts of the program like, Great American Outdoor Act Funds, as well as IRA and BIL Funds.

Senator HOEVEN. Okay. And you feel you are going to make some progress?

Mr. MOORE. I do feel that we will make progress. Yes.

Senator HOEVEN. The other thing I want to ask you, the Joint Chiefs Program. So Senator Bennett and I, on a bipartisan basis, have legislation, and it really provides for this coordination, I think out there. And in respect of fire, for example, as well as, the landscape restoration, actually we called our legislation the Joint Chiefs' Landscape Restoration Partnership Act, but again it is about, you know, a kind of a joint effort out there. Because again, there is different ideas, in terms of, if you are really tourism focused in some of those groups they want a certain approach, and then our grazers need another approach.

And so that was really the effort behind the Joint Chiefs' Legislation that Bennett and I have. So talk a little bit how that works, and particularly in regard to fire resilience, as well as the, you know, the landscape restoration, and maintenance, and so forth.

Mr. MOORE. Yeah. So I will start by saying that Secretary Vilsack has insisted that USDA operate as one, that fits quite nicely with the Joint Chiefs' projects, my colleague, Chief Cosby, for NRCS, and I, we have regular meetings to look at opportunities to have Joint Chief projects.

So we just looked at a round of projects just not too long ago to fund, and I don't have, at my fingertips, the number of projects or the location of them yet, but we do feel that this is an opportunity to really work across boundaries, to look at both Federal, state, and private lands trying to improve the work, that particularly those areas have been affected by fire, or disease, and insects for some of those types of problems.

Senator HOEVEN. And you would be supportive of reauthorization of the Joint Chiefs' Program in the Farm Bill?

Mr. MOORE. Yes.

Senator HOEVEN. And the other thing we do a lot of, is we were doing a lot with unmanned aerial systems, unmanned, and so in terms of, you know, the grasslands, fire suppression, fire management, any thoughts on you using some of that new technology? But then also, are you really committed to work again with the ranchers out there, because the control burns, and that kind of thing can be a real problem if you are not coordinating closely. And you know, most of the emergency response out there is volunteer.

Mr. MOORE. Yeah. So we are really moving into using the drones for a lot of different purposes, fire is one of those purposes. But just looking at natural resource management, we are looking at how can we use drones more? We currently have about 100 employees that have been certified for drones, and we are going to continue to look in that arena, and to expand our opportunities to utilize that type of equipment. We do believe that that is the future, and we really want to lean into it.

Senator HOEVEN. And close coordination with the people on the land out there on fire management?

Mr. MOORE. Absolutely, close coordination.

Senator HOEVEN. Thanks, Chief, appreciate it very much. And again, Thank to the Chairman and Ranking Member.

Senator MERKLEY. Thank you, Senator. You timed it just perfectly.

ADDITIONAL COMMITTEE QUESTIONS

If there are no other statements, and I don't think there are, the hearing record will be open until the close of business on April 5th, 2023.

Thank you very much, Chief Moore.

SUBCOMMITTEE RECESS

This hearing is adjourned.

[Whereupon, at 11:35 a.m., Wednesday, March 22, the subcommittee was recessed to reconvene subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2024

WEDNESDAY, MARCH 29, 2023

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:30 a.m., in room 124, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Murray, Tester, Van Hollen, Peters, Murkowski, Capito, Hoeven, Fischer, and Britt.

DEPARTMENT OF INTERIOR

STATEMENT OF HON. DEB HAALAND, SECRETARY

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. The Interior Subcommittee of the Committee on Appropriations will come to order. This hearing is titled, A Review of the fiscal year 2024 President's Budget for the Department of the Interior. And we are most privileged to have with us today Secretary Haaland, welcome.

And we have with her also the Principal Deputy Assistant Secretary for Policy, Management and Budget, Joan Mooney, welcome. And also, the Department's Director of Budget, Denise Flanagan. So, welcome to you. Today's hearing will review the Department of Interior's fiscal year 2024 budget request.

As I commented at our first hearing, I fully support Chair Murray and Vice Chair Collins in their resolve to move appropriation bills through committee and onto the floor this year. And I appreciate the aggressive schedule that they have laid out with that goal in mind and look forward to getting to work with my partner in this effort, Ranking Member Senator Murkowski.

We must recognize as a Congress that non-defense funding is just as important as defense spending. Non-defense funding means investing in Americans, investing in childcare, in housing, in transportation infrastructure. And in this subcommittee, it means supporting tribal Governments, preventing catastrophic wildfire, protecting our land and waters from pollution and degradation. Madam Secretary, thank you so much for journeying to Oregon two weeks ago.

It seems like longer, but we had quite an opportunity to travel around the State. And you took the time not just to travel, but to

listen to various communities within Oregon and the challenges they face.

It was very meaningful. Thank you for taking that trip. It was fitting that, as we began our travels through the ancestral homeland of many tribes, you visited with Oregon's tribal leaders, leaders of tribal bands that struggled to survive a century of devastating national policies and wars.

You listened to their concerns about public safety and housing and health care and water infrastructure and heard how their traditional ecological knowledge influences the tribe's modern practices in forest management and land conservation, and how it can inform better policies across the State of Oregon and across the country.

Your position as the first Native American Cabinet Secretary is historic, but the time that you took to make personal connections with the community, including a special session with the Klamath tribal community, was absolutely inspiring and made a big impact on all present.

You also met with Oregon leaders in outdoor recreation to discuss improving access to our Federal lands and outdoor recreation as an economic driver. Outdoor recreation is indeed an economic force in Oregon, generating \$13 billion in our economy. You took the opportunity to visit two of Oregon special places, Crater Lake National Park, the deepest lake in North America, and a reminder of the extraordinary power of the Cascade volcanoes.

And you visited the Cascade Siskiyou National Monument, where because of its location at the crossroads of the Cascade, Klamath and Siskiyou Ranges, the monument is an ecological wonder and absolutely deserving and needing protection.

It is a product of the Land and Water Conservation Fund, a critical tool for creating pathways to protect habitat for animals moving between these mountain systems such as deer, elk, bear, cougar, foxes, and so forth. And over 100 different butterflies in that monument, which is an indication of the extraordinary diversity of those different ecosystems, including the Great Basin that comes in there. And so, the monument will increase public access, but we have to work to make it so, and we heard a lot of suggestions on how to make that happen. I appreciate the Interior Department's work on the revised monument plan, the management plan for the monument, and the scheduled completion by October of 2024. I certainly urge, if anything, earlier, if possible.

One of the aspects of that planning will be wildfire risk reduction. Wildfires are having such a big impact on our natural lands and our communities, and Congress has provided significant funding for wildfire risk reduction.

One of my goals, and I think it is shared by Senator Murkowski, is that we invest on both ends on making our forests healthier and more fire resilient on the front end with forest management, and also investing to make sure we have the resources to fight the fires on public lands as needed because our fire season is longer, hotter, and more savage.

The funding was provided for this effort in the Bipartisan Infrastructure Law and Inflation Reduction Act and in our annual appropriation bills. But the Interior Department is charged with

making sure the funding is spent in the right places. And one of the things that I wanted to just mention is that the Rogue Valley is the highest risk fire shed in the State of Oregon.

It desperately needs those investments from the Department, and I will certainly be working with you towards that goal. A factor aggravating the ferocity of these fires is climate chaos, longer, hotter fire seasons, smaller average snowpacks that affect the size and temperature of our streams and rivers.

It has a big impact, with smaller, warmer streams hurting our trout and or our salmon, and it means a lot less water for our ranchers, a lot less water for our farmers, and that has just been a huge challenge in multiple regions suffering multi-year droughts. And I wanted to show a picture from our visit to Crater Lake.

We met with two volunteer park rangers, and I must say, being assigned, and you get these volunteer park rangers work for a period of several months, 3 months at a time, and they have housing and food covered and work every day and have a phenomenal experience.

I was kind of envious of their jobs. And this is a picture of Ellie Paxson, and she was joined in a presentation by Cassie Padula.

They both were incredibly knowledgeable about the ecosystem of Crater Lake and about the impact of climate change, and pointed out many of the changes that we could observe just from where we were standing.

Annual Snowfall at Crater Lake NP

1930s	614 inches
1940s	623 inches
1950s	572 inches
1960s	507 inches
1970s	495 inches
1980s	475 inches
1990s	493 inches
2000s	455 inches
2010s	405 inches
2020s	370 inches

SOURCE: National Park Service

And then Ellie provided this chart, which is an indication, and I have seen many, that the average snowpack in the Cascades is dropping decade after decade, which is why we are having troubles with our streams and with our irrigation water.

And she really dramatized it with this chart that I had not seen before, where 90 years ago the average snowfall over the decade was 614 inches, and it just drops decade after decade after decade. We are down to now about 370 inches or approaching half of what it was 90 years ago.

And that amount of water stored, and when we think about some—well, we are looking at 240 inches lost. That is 20 feet of snow, 20 feet of water stored that isn't there now that was there

before. And, of course, the IPCC report paints an even bleaker picture of the challenges worldwide.

So, it is so important that we quickly and dramatically pivot from a fossil fuel energy economy to a renewable energy economy. I am disappointed that the Administration has issued new leases for oil and gas or new projects, because it is so important as we try to tackle this challenge that America lead the way. And to lead the way, we have to have the power of our example.

And we also need to be thoughtful about how we build out the new energy economy. The Bureau of Ocean Energy Management, BOEM, it has a top-down process, and this is really a difficult system for offshore wind because off the coast of Oregon, we have all of these stakeholder communities. We have folks who are trawling for groundfish, for whiting, for salmon, and for shrimp.

We have a robust crab industry. And the concept of floating turbines, which may end up being a huge contributor to renewable energy, is untested and not well understood. And we are being told that the anchors will have a 7 to 1 ratio, which means if you go a mile deep in the ocean, you have a seven-mile-long anchor.

How does that affect all these other industries? These other industries are absolutely terrified. And we don't have transparency. We don't have an understanding of the technology, and how to make these various pieces fit cleanly together.

And so, my argument here is, let's have a process that develops a full understanding of what those floating wind turbines would look like and how to make them completely compatible and in partnership with the existing stakeholders on our offshore or sea life stakeholders.

So, appreciate any help you can give to develop a better, more collaborative approach in that regard. Again, thank you for your deep concern for our public lands, how to make them accessible, how to protect them for the next generation.

And, I know you are working every moment of every day towards that goal. Let me turn to the Ranking Member of the subcommittee, Senator Murkowski.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman. Good morning. And good morning, Madam Secretary, to you and to your team. I join Senator Merkley, the chairman here, in welcoming you back to the committee.

I am pleased to have the opportunity this morning to discuss the President's budget request, along with some of the issues that are very important to me and to my State. And to begin with, I will begin with a topic that you and I have shared conversation on most recently.

Just last week, you have heard me express my deep, deep frustration and concern with regards to the people of King Cove and the fact that they lack a lifesaving road. And Madam Secretary, I want to acknowledge first the appreciation that I have that you and your team joined me in King Cove last year so you could not only see, but you could hear directly from the people there.

You could hear their concern, try to walk in their shoes for a brief moment in time. I also acknowledge the fact that your Deputy

Secretary and Rayna Thiele, I believe, are out there. If not today, they were out there this week. In fairness, I hadn't heard what the weather was like and whether they have made it in and out.

But I know that this was an effort for them to do follow on, to have further discussion. But as you know, the announcement that was made last week to withdraw from the litigation was shocking to the people of King Cove, and I appreciate the fact that you had a direct conversation by Zoom with them.

I have had subsequent conversations and I will share with you, they are somewhat confused. They don't know who to believe anymore. That is the problem. And I think part of this stems to a lack of trust.

A lack of promises made and promises unfulfilled. A little bit of a pulling the rug out from underneath us. Lucy and the football, take your analogy, but a concern that once again this might not be anything more than a false promise and that deeply, deeply concerns them because they need action that helps solve problems, not actions that further delay solutions. They need to be respected for the care that they have shown to their lands, and I think you heard that. You saw that.

They need to have these medevacs as nothing more than a memory, not a life-threatening reality in times of crisis. And Madam Secretary, I use the word to you in our private meeting, and I will repeat it here at this hearing, they need you to be a warrior for them. They need to know that you recognize the long-standing suffering that they have faced and that you will stand with them to work with them.

And I take you at your word that you were prepared to do this for this community. But know the reservation that they have. I will have an opportunity to ask a question in more detail about that, but I do want to acknowledge the voices of some extraordinary, extraordinary coalition of Alaska native leaders and the individuals that came together to make their voices heard about the importance of the reapproval of the Willow Project, not only to those who work and raise their families on the North Slope of Alaska, but to our nation's economic security, our energy security, and our national security.

And I am so very grateful and appreciative that the President listened to the voices of those Alaskans and took another step towards making this project in the National Petroleum Reserve a reality.

Now, unfortunately, those who are disappointed in this decision are going to try to mire the project down in the courts in an attempt to prevent production, but it is my hope that this environmentally sound and balanced domestic project will not be delayed too much longer. I truly believe our national security requires that we increase our domestic supply of resource, including from our off-shore areas.

And speaking to that, I would like to raise the recently leaked memo regarding the Cook Inlet Outer Continental Shelf lease sale that was required by the Inflation Reduction Act. Mr. Chairman, we are going to submit a copy of that memorandum for the record.

[The information follows:]

<https://s3.documentcloud.org/documents/23695673/doi-0001.pdf>

Senator MERKLEY. Without objection.

Senator MURKOWSKI. Thank you. Like many of my colleagues, I was dismayed. I was really actually stunned by the recommendations that were contained in that leaked memo and the direction that it represents for this Administration when it relates to energy policy. According to the memo, Principal Deputy Assistant Secretary for Lands and Mineral Management signed off on a plan that rejected the option that would have improved energy reliability and affordability for Alaskans.

This was stated in the memo, in favor of an alternative that was admittedly aimed at discouraging development. Admits that that was the intended purpose here. This obviously represents the exact wrong direction for Alaska, certainly the wrong direction for a country. And when you think about the message that it sends about this Administration's desire for energy security, again, it is almost mind boggling to me.

Right now, within the South-Central area that relies on natural gas to keep our lights on, to keep the economy moving here, we are looking at a situation where the region that hosts about one half the population of the State of Alaska is looking at brownouts as a reality of diminishing supplies there in Cook Inlet.

And the thought that we may be importing LNG from Canada. To me, as an Alaskan, from a State that has extraordinary natural gas reserves, the fact that we would even be uttering these words is almost inconceivable to me.

A failure to have meaningful oil and gas programs, including in the 1002 area where the Administration is illegally disregarding the law, will reduce domestic investment at the worst possible time for our country and our global allies.

Domestic supply matters to our energy security and also matters to our mineral security. And I have long pointed to the dangers of our growing dependence on foreign minerals and advocated for a strong domestic supply for our national security, economy, and competitiveness.

Like offshore oil and gas, one of the keys to permitting this challenge is for the Department to actually make mine permit determinations in a timely manner. If we want to be competitive in the global market, a producer and not just an importer, we cannot afford for it to take 10 years to permit a mine on our public lands. Alaska is willing and able to increase our Nation's and our allies energy security.

All we need is permission from the Federal Government, access to our Federal lands, and the timely approval of our permit applications. And when we do get those approvals, Alaskans, we get it. We cherish, we respect our lands, our waters, while developing these resources and doing it in a responsible manner.

So, to turn to other areas here and certainly areas the chairman has noted we have agreement on, and that's working together to provide resources for our tribal communities. Our subcommittee plans to have a hearing with Assistant Secretary for Indian Affairs Bryan Newland and IHS Director Tso regarding tribal programs where I am going to go in-depth on our shared tribal commitments.

But I do also want to join the Chairman in thanking you for your efforts on behalf of tribes. Whether it is public safety and justice,

natural resources, or construction programs, working to address the tribal needs has always been a bipartisan, bicameral priority. We know that the appropriations process is never easy.

It is never quick, that is for sure. But it is important for us to continue our bipartisan approach to these issues to ensure success across Indian country. Public lands, certainly a key attraction for visitors to Alaska and drivers of economic activity. And while we have not seen a complete return to pre-COVID tourism numbers, visitation is certainly increasing.

I am pleased the Department is working to get Alaska's national parks and preserves ready to welcome visitors this summer. But our parks are far more than playgrounds. They are set aside for harvesting wildlife as laid out in Alaska National Interest Lands Conservation Act (ANILCA), and the Department is improperly trying to interfere with subsistence hunting practices.

So, these are just a few of the issues that are on my mind this morning as they relate to Alaska, but we have of course, broader and shared interests at the national level. Madam Secretary, I do appreciate your willingness to work with me on areas that we have agreement.

As you continue to hear from and listen to Alaskans, I hope that we can even find greater areas of how we can be working together to grow Alaska's role in our nation's economy or energy or mineral security, while also cherishing and protecting our lands, our people, and our culture.

So, again, look forward to the questions this morning. Thank you, Mr. Chairman.

Senator MERKLEY. Madam Secretary, the floor is yours.

SUMMARY STATEMENT OF HON. DEB HAALAND

Secretary HAALAND. Chair Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to testify in support of Interior's fiscal year 2024 budget request. Our 2024 budget totals \$18.9 billion in current authority, an increase of \$2 billion from the 2023 level.

First, I want to highlight several important proposals. These include significant reforms to support the wildland fire workforce. Mandatory funding for future Indian water rights settlements, expanding good neighbor and stewardship contracting authorities to include Fish and Wildlife Service and National Park Service, reclassifying legally required tribal sovereignty payments, contracts, and leasing costs from discretionary to mandatory funding, and \$6.5 billion over 20 years from the Department of State to fund economic assistance under the Compacts of Free Association.

Let me begin with our Indian Affairs budget request. This Administration has made a steadfast commitment to strengthen Government to Government relations with our country's Indian tribes. With a total request of \$4.7 billion for Indian affairs programs, investments will address missing and murdered indigenous peoples, the legacy of Federal Indian boarding schools, and the native language revitalization.

Bureau of Indian Affairs (BIA) budget includes \$48 million for the Tribal Climate Resilience Program to support climate resilience planning, including relocation. In response to concerns by tribal

leaders for public safety in their communities, the budget includes an increase of nearly \$86 million above 2023. We also request \$1.6 billion for Indian education programs.

Notably the 2024 request for Bureau of Indian Education (BIE) construction will support seven school projects. Turning to Wildland Fire, the 2024 budget honors President Biden's commitment to address this issue and to assist firefighters supporting an additional 370 Federal and 55 tribal fire personnel.

Complementing Wildland firefighter pay reforms, we also include \$293.3 million for fuels management activities, an increase of \$46.3 million above 2023. These investments are crucial as wildfires were noticeably higher in 2022 than the 10-year average.

Stewardship of our natural resources is a core mission for us as Interior manages about 20 percent of America's lands. Our request covers \$3.2 billion in annual funding for conservation efforts that supports key initiatives such as wildlife corridors and youth corps partnerships.

The request also includes \$140 million for Fish and Wildlife Service partnership programs that support voluntary conservation on public and private lands, which is a key focus of the America the Beautiful Initiative. To complement the \$681 million in mandatory funding for the Land and Water Conservation Fund, I am proud to propose \$12 million in discretionary funding for a new tribal Land and Water Conservation Fund (LWCF) program, which is a top priority for tribes.

At the Department, science is our foundation. The United States Geological Survey works with partners across the country to maintain 20,000 groundwater monitoring wells, 11,800 stream gauges and 3800 earthquake sensors and directly monitor 70 volcanoes. The budget includes \$128 million that supports nine regional climate adaptation science centers with university partners.

We are also looking forward to the Landsat Next mission that will take advantage of new technologies for global imaging data. When it comes to energy, we are excited to be on our way to achieve the Administration's goals to deploy 30 gigawatts of off-shore wind capacity by 2030. As of last month, Bureau of Ocean Energy Management (BOEM) has conducted 11 energy lease sales for areas in the Atlantic and Pacific Oceans.

That is more than the 2.5 million acres of commercial wind energy lease areas. The budget includes over \$64 million for BOEM's renewable energy program, including a \$12 million increase for permitting. Onshore, the Bureau of Land Management (BLM) is also making progress to permit 25 gigawatts of renewable energy on public lands by 2025.

BLM has permitted more than 126 renewable energy projects, processed many more, and is willing to support much needed transmission lines. To meet these needs, we include \$72 million for BLM's renewable energy program. At the end of 2020, Interior staffing was at a 10 year low of around 60,500.

When fully enacted, the budget would support an increase of 4,000 personnel to over 68,000. Regarding infrastructure, our request includes more than \$3 billion for operations and maintenance. In addition, there is, \$1.6 billion in mandatory funding

available each year through 2025 through the Legacy Restoration Fund.

At the end of 2023, our Legacy Restoration Fund program will have initiated 276 projects, touching all 50 States, Washington, D.C., Puerto Rico and the U.S. Virgin Islands. Those projects will address \$3.4 billion of our deferred maintenance backlog, creating an average of 17,000 jobs each year.

Overall, the President's budget for Interior invests in programs to strengthen our nation for all Americans. I look forward to doing this work together. Thank you, and we are all pleased to answer any questions that you have today.

[The statement follows:]

PREPARED STATEMENT OF HON. DEB HAALAND

Chair Merkley, Ranking Member Murkowski, and Members of the Subcommittee, thank you for the opportunity to testify in support of the Interior Department's Fiscal Year 2024 Budget Request.

It is an honor and privilege for me to be here with you today to speak on behalf of the President's 2024 Budget for the Department of the Interior. I value and appreciate Interior's long tradition of working together with the Interior Appropriations Subcommittee to accomplish great things for the American people. This Subcommittee plays a vital role in the success of the Department of the Interior (DOI). As the 118th Congress begins, I look forward to working with the Members of this Subcommittee this year, both new and returning, in continued collaboration to address some of our country's most pressing challenges.

As the steward of 20 percent of America's lands, the DOI serves several important roles for America. Interior's programs are important to the Nation's economy: generating jobs, supporting local economic growth, building resilience to our changing climate, and managing important natural resources. Interior is also charged with unique responsibilities and legal obligations to protect Indian trust assets and resources and provide direct services to federally recognized Tribes, Alaska Natives, and individual Indian beneficiaries to honor the Nation's Federal Indian trust responsibilities.

The Department's 2024 budget totals \$18.9 billion in current authority—an increase of \$2.0 billion, or 12 percent, from the 2023 enacted budget. For programs within the jurisdiction of this Subcommittee, our request is \$16.9 billion in net discretionary authority—an increase of \$2.0 billion or 13 percent from the 2023 enacted appropriation. The net discretionary request assumes Contract Support Costs and 105(l) Tribal Leases are reclassified as mandatory funding in 2024 and are not included in the total. An additional \$350.0 million is accessible through a budget cap adjustment for wildfire suppression to ensure funds are available in the event the regular annual appropriation is inadequate to meet suppression needs. Within the increase for 2024, \$438.5 million will be used to cover fixed-cost increases, such as rent and Federal salary adjustments needed to maintain Interior's core operations carried out by close to 70,000 people living and working in every corner of the country.

This budget allocates important mandatory funding available through the Great American Outdoors Act (GAOA), including \$1.6 billion for deferred maintenance projects through the Legacy Restoration Fund (LRF) in the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the Bureau of Indian Education (BIE). The budget also allocates \$681.9 million in mandatory funding for Land and Water Conservation Fund (LWCF) programs.

The President's 2024 Budget complements the landmark investments in the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA). Those funds are providing the significant boost needed to address long-standing challenges, from reclaiming lands to tackling critical drought and threats of wildland fires. These targeted investments address specific objectives, but they do not supplant the need for the annual appropriations supporting our on-going base programs and operations.

2024 LEGISLATIVE PROPOSALS

The 2024 President's Budget includes several important legislative proposals and technical budget adjustments.

Wildland Firefighting Workforce—The budget proposes legislation and funding to implement significant reforms to better support the wildland fire management workforce. The Administration proposes legislation to establish a special base rate salary table for wildland firefighters, create a new premium pay category that provides some additional compensation for all hours a wildland fire responder is mobilized on an incident, and establish a pay cap that provides waiver authority to the Secretary using specific criteria. The budget supports this legislative proposal with funding for these Federal pay reforms and similar pay increases for Tribal personnel. These proposals build upon the historic reforms in BIL to ensure wildland fire personnel receive the enhanced support they need to meet evolving mission demands as both the frequency and intensity of catastrophic wildfires are expected to continue to increase due to climate change.

Indian Water Rights Settlements—Building upon investments in the BIL, the budget proposes \$2.5 billion in mandatory funding over 10 years to expand the Indian Water Rights Settlement Completion Fund to cover the costs of enacted and future water rights settlements and \$340.0 million in mandatory funding over 10 years for ongoing costs including operations and maintenance costs associated with enacted water settlements managed by the Bureau of Reclamation (Reclamation). Providing a stable, dedicated funding source for Indian water rights settlements helps to ensure these commitments are honored and Tribal communities have safe, reliable water supplies to support public and environmental health and economic opportunity.

Good Neighbor and Stewardship Contracting Authority—The budget proposes to expand Good Neighbor and Stewardship Contracting authorities currently available to BLM and the U.S. Forest Service (USFS) to include FWS and NPS. Including these bureaus would allow them to enter into cooperative agreements or contracts with States, Tribes, and counties to perform watershed restoration and forest management services on bureau lands. Expanding stewardship contracting authority would enable FWS and NPS to enter into stewardship contracts or agreements to achieve bureau land and resource management goals. These contracts enable agencies to apply the value of timber or other forest products removed from the lands as an offset against the cost of land and resource management services provided through the agreement. The budget also proposes appropriations language to extend current Good Neighbor Authority for BLM and USFS which expires at the end of FY 2023 by 1 year.

Contract Support Costs and Payments for Tribal Leases—The budget proposes to reclassify funding for payments required by law to reimburse Tribes for costs associated with carrying out Federal functions under a self-determination contract or self-governance compact, from discretionary to mandatory funding in 2024. Contract Support Costs funding is a critical Tribal sovereignty payment enabling Tribes to assume responsibility for operating Federal programs by covering the costs to administer the programs. Section 105(l) of the Indian Self-Determination and Education Assistance Act provides that Tribes and Tribal organizations carrying out contracted or compacted Federal functions may enter into a lease agreement with the Department of the Interior for the tribally owned or rented facility used to carry out those functions. These legally required critical Tribal sovereignty payments bring Tribes closer to meeting the full cost to administer and operate Federal functions, including costs associated with the use of Tribal facilities.

Compacts of Free Association (COFA)—The Administration supports funding the renewal of our COFA relationships with the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. The 2024 budget will seek \$6.5 billion in economic assistance over 20 years to be provided through a mandatory appropriation at the Department of State, with language calling for continued implementation by the Department of the Interior. The total amount requested as part of a COFA mandatory proposal will also include \$634 million for continued U.S. Postal Service services to the Freely Associated States (FAS). Funding for postal services will be requested as a direct payment to the Postal Service Fund. The United States remains committed to its long-standing partnerships with the governments and the people of the FAS as we work together to promote a free and open Indo-Pacific.

Injurious Species—The budget supports congressional efforts to amend Title 18 of the Lacey Act to return the longstanding authority of FWS to prohibit interstate transports of injurious species. Recent incidences of injurious species, such as invasive mussels contaminating commercial products, demonstrate the need to restore this authority.

STRENGTHENING TRIBAL NATIONS

This Administration has made a steadfast commitment to honor our Nation's Tribal trust responsibilities and strengthen government-to-government relationships with Tribal Nations. This budget maintains that commitment to support and expand this work with a total request of \$4.7 billion for Indian Affairs programs, an increase of \$690 million from 2023. The 2024 budget makes significant investments to strengthen Tribal Nations, their sovereignty and revitalization, providing new and expanded funding opportunities and resources for Tribes to manage and support their lands, waters, and communities. These investments include continuing support addressing matters deeply important to Native Americans to address Missing and Murdered Indigenous Peoples, the legacy of the Federal Indian Boarding Schools, and Native Language Revitalization.

INVESTING IN TRIBAL COMMUNITIES

The request includes \$3.0 billion for Bureau of Indian Affairs (BIA) programs, an increase of \$482.8 million above 2023 enacted. The BIA budget contains several significant investments in Tribal communities, including \$78.1 million for the Tiwahe Initiative, an increase of \$33.5 million from 2023. Under Tiwahe, a portion of the funding assists Tribes at selected sites to implement a tribally driven approach to deliver essential services more effectively and efficiently. Since 2015, the Tiwahe Initiative has focused primarily on promoting family stability through several Human Services programs. The Department's 2024 budget further expands Tiwahe in Social Services, Indian Child Welfare Act, Housing, Tribal Justice Support, and Economic Development programs.

Tribal leaders across the country have expressed increased concern for public safety in their communities. Their elevated level of concern is coupled with emerging needs to expand services to address the *McGirt v. Oklahoma* decision and the needs of 31 Tribes that have been eligible for but have not received BIA public safety and justice funding. Interior's 2024 budget submission includes \$717.1 million for Public Safety and Justice Programs and related construction, an increase of \$85.8 million above the 2023 enacted level. That amount includes \$316.3 million for Criminal Investigations and Police Services programs, an increase of \$42.2 million above 2023. At the increased 2024 level, all Tribes currently receiving funds would receive an equal share of the increase—including those newly participating Tribes that elect to receive BIA law enforcement services available in 2023. The budget includes \$154.6 million, an increase of \$18.3 million above the 2023 level, to support the operational needs of detention and corrections programs encountering growing personnel, equipment, and technology costs.

Complementing those operational increases, the budget includes \$75.3 million for construction supporting public safety and justice programs, an increase of \$23.8 million.

The budget includes \$385.9 million, an increase of \$52.7 million above 2023 enacted, for Trust Natural Resource Management programs which includes Tribal forestry, irrigation, energy and minerals, water resources, climate resilience, co-stewardship, and other activities. In a separate account, the 2024 budget includes \$12.0 million for a new Tribal LWCF Land Acquisition program. During LWCF listening sessions last year, one of the top priorities sovereign Tribes identified was having direct access to LWCF funding for conservation and recreation projects without partnering with or applying through States. Through this BIA program, Tribes would have the opportunity to acquire lands or easements to protect and conserve natural resource areas, which may also be of cultural importance to the Tribe or have significant recreational benefits for Tribal communities, consistent with the purposes of LWCF funding.

During Tribal consultations and listening sessions on Federal Subsistence Management programs, Tribal participants consistently pointed to the adverse impacts the changing climate is having on Alaska Native subsistence practices and Alaska Native communities and the need to expand Tribal co-management partnerships and incorporate indigenous knowledge into subsistence management. In response to these recommendations, the 2024 budget proposes to transfer the functions of the Office of Subsistence Management from the U.S. Fish and Wildlife Service to the Office of the Assistant Secretary—Indian Affairs, along with an increase of \$2.5 million for the program. The budget includes additional increases in the land management bureaus—FWS, NPS, and BLM—to support resource management associated with Alaska Native subsistence.

ADVANCING INDIAN EDUCATION

The 2024 budget includes \$1.6 billion for Indian Education programs, an increase of \$209.2 million above 2023 enacted. Native students face stark inequities in access to education, many of which were highlighted and exacerbated by the pandemic. To help address that gap, the budget invests in the day-to-day operations of BIE-funded elementary and secondary schools. The budget includes \$508.7 million for Indian Student Equalization Program formula funds, which provide the primary support for academic activities in the classroom, instructional services, and teacher training, recruitment, and retention. The budget includes resources to operate and maintain BIE-funded schools and fully funds the estimated \$98.7 million requirement for Tribal Grant Support costs to cover the administration costs for Tribes that choose to operate BIE-funded schools.

The budget includes \$189.6 million for postsecondary schools and programs, including \$133.5 million for Haskell Indian Nations University and Southwestern Indian Polytechnic Institute and for Tribal colleges, universities, and technical colleges; and \$56.1 million for expanded Tribal scholarships and adult education programs.

Addressing BIE-funded school facilities in poor condition and deferred maintenance backlogs at more than 180 schools in the BIE school system continues to be a top priority for the Department—45 percent of BIE schools are currently identified as in “poor” condition. The 2024 budget includes \$416.2 million in annual funding for Education Construction, an increase of \$148.3 million over the 2023 enacted level. The 2024 request for School and Facility Replacement Construction will support seven school projects. The budget also includes \$160.1 million for facilities operation and maintenance, to help maintain the condition of schools. An additional \$95.0 million in mandatory funding for BIE school construction through the GAOA will be available in 2024 to support the replacement of two additional school campuses. The continued emphasis on BIE school infrastructure conditions has produced tangible results, with two new campuses opened to students in 2022.

MEETING FINANCIAL TRIBAL TRUST RESPONSIBILITIES

The budget includes \$109.1 million to support the Tribal financial functions managed by the Bureau of Trust Funds Administration (BTFA). BTFA currently serves as the financial manager for more than \$8 billion of Indian Trust Funds and provides services for 4,100 Tribal accounts and roughly 408,000 Individual Indian Money accounts. The 2024 budget continues to propose BTFA as a stand-alone bureau with critical independent functions for effective management of Indian assets and service to Indian Country. The Department held listening sessions on the future of BTFA, and the input received showed Tribes did not want to eliminate BTFA or its functions, and some Tribes would like to have expanded services from BTFA. The Department looks forward to working with Congress to ensure BTFA is fully recognized as a bureau to allow the organization to focus on its mission of serving Indian Country.

ADDRESSING CLIMATE CHALLENGES AND BUILDING RESILIENCE

The United States faces a profound climate crisis that is rapidly changing how we consider the future, evaluate risk, and protect resources. Together with agencies across the Federal Government, States, Tribes, and other partners, the Department of the Interior is working in real time to address the immediate and long-term needs driven by the changing climate. Catastrophic fire, flood, and drought events brought about by the climate crisis are increasingly top-of-mind considerations. These events demand immediate attention and resources, but long-term success requires more work to build resilience to better meet these challenges.

WILDLAND FIRE REFORMS

The National Interagency Fire Center reports 68,988 wildfires occurred across the United States in 2022, burning 7.5 million acres. The number of wildfires was noticeably higher than the 10-year average, which has been consistently increasing. The 2024 President’s Budget expands the Nation’s response to the impacts of wildland fire beyond the near term to include aggressive longer-term actions. The 2024 budget honors President Biden’s commitment to wildland firefighters by taking significant steps forward in ongoing bipartisan efforts to build a more professional, year-round workforce, better aligned with the challenges of today’s wildfire activity.

Enacting these reforms is essential to meet the challenges posed by longer and more intense fire seasons while providing wildland firefighters a more livable wage, addressing long-term competitiveness and equity issues, helping prevent burnout

and fatigue, and ensuring stable recruitment and retention. The cornerstone of these long-term reforms is a permanent increase in pay. The Administration proposes legislation to establish a special base rate salary table, create a new premium pay category to provide additional compensation for all hours a wildland fire responder is mobilized on an incident, and institute pay cap authority that provides waiver authority to the Secretary of the Interior and the Secretary of Agriculture using specific criteria. The budget funds these Federal pay reforms and similar pay increases for Tribal fire personnel.

The 2024 budget request for the Department's Wildland Fire Management programs is nearly \$1.7 billion, including \$1.3 billion for the Wildland Fire Management account and \$350.0 million for the Wildfire Suppression Operations Reserve Fund. This request is an increase of \$243.1 million, or 17 percent above the comparable 2023 enacted amount for base fire programs. Of this, \$72.0 million supports the pay increases for Federal and Tribal wildland firefighters. In addition, the 2024 budget provides an increase of \$45.0 million more than the comparable 2023 enacted amount to increase firefighting capacity by an estimated 325 Federal and 55 Tribal full-time equivalents (FTEs). In total, DOI's request for wildland fire management will support an additional 370 Federal and 55 Tribal FTEs.

The 2024 budget also addresses challenges concerning recruiting and retaining wildland firefighters with an increase of \$10.0 million for Interior (and another \$10.0 million for the Department of Agriculture) to establish a comprehensive joint Interior-Agriculture program to enhance firefighters' mental and physical health and well-being. The budget also includes a \$22.0 million increase to repair, renovate, and construct housing for wildland firefighting personnel, which can be inadequate or unaffordable in certain geographic locations. To further build fire program capacity, the budget increases funding for aviation contracts and uncrewed aerial systems support by \$20.0 million, program management for incident support by \$18.3 million, and increases funding for Tribal contract and administrative support and Reserved Treaty Rights Lands projects by \$9.0 million.

The President's 2024 Budget, featuring this suite of workforce reforms, will transform interagency Wildland Fire Management by improving recruitment and retention and laying the foundation for further advancements. The Administration looks forward to working with Congress to enact this important legislation and the requested funds needed to implement these reforms in FY 2024.

Complementing this wildland fire package of reforms, the budget includes \$293.3 million for Fuels Management activities, an increase of \$46.3 million above 2023 enacted. This request maintains Interior's strong support for a pro-active Fuels Management program to reduce wildland fire risk from burnable plant materials which can pile up and make fires burn hotter, larger, longer, and faster.

SUPPORTING COMMUNITY RESILIENCE

Persistent drought conditions across the West are exacerbating fire risk and increasing concerns for water availability. Prolonged drought in much of the West and low runoff conditions accelerated by climate change have led to historically low water levels in Lakes Powell and Mead, and many other reservoirs are also being affected by drought. In the Colorado River Basin, the period from 2000 through 2022 was the driest 23-year period in more than 100 years of record-keeping. Extreme drought conditions across the West are forcing very difficult challenges and choices to manage available water supplies. Although the Bureau of Reclamation, which comes before the Energy and Water Appropriations Subcommittee, is at the forefront of Interior's drought response, mitigation, and resilience efforts, the historic drought conditions facing our country is a concern shared across the agency.

As a land and resource manager for more than 480 million acres of lands across the United States, climate related challenges from drought, wildfire, floods, invasive species are real day-to-day considerations. Interior's significant stewardship mission requires us to be an active partner in ongoing efforts to understand, mitigate, and build resilience to these climate impacts on our natural resources and resident species. The U.S. Geological Survey's (USGS) programs are key contributors to this effort.

The 2024 budget includes \$120.3 million for the USGS Groundwater and Streamflow Information Program, which maintains a nationwide network of streamflow and water level information collected from more than 31,000 sites. The information from the network is available online to help States, Tribes, natural resource managers, scientists, and emergency managers across the country with monitoring for floods and drought and with forecasting water availability for crops and natural resource management. The USGS request also includes \$74.7 million for

Water Availability and Use Science programs, which includes funding to apply fire and drought science to support natural resource management.

The budget includes \$63.0 million for the USGS Coastal and Marine Hazards program, which leverages field research, high-resolution data, and modeling to help communities plan for and respond to changes in coastal landscapes. Agencies and communities use this science to plan evacuation notices, inform city planning, and construct storm-resistant infrastructure. Others use program information to restore coastal ecosystems, developing infrastructure that can buffer future storm damage and coastal erosion.

Interior is also working to address climate resilience in Tribal communities. The BIA's 2024 budget includes \$48.0 million for the Tribal Climate Resilience program to support climate resilience planning, assessment, and adaptation activities. The program also provides funding for planning and design work for Tribal communities evaluating the need for or pursuing climate-related relocation. Building on the success of this program, Interior has leveraged BIL and IRA funding to join with the Federal Energy Management Agency and the Denali Commission to launch a new Voluntary Community-Driven Relocation Program.

The budget includes \$120.8 million for Assistance to Territories, which supports the Insular Areas through the provision of basic services and targeted investments related to climate change, including \$3.5 million for work related to coral reef ecosystems and other natural resource needs and \$15.5 million to promote renewable energy and grid infrastructure in the Insular Areas.

CONSERVATION AND HEALTHY LANDS

Interior manages more than 480 million acres of lands across the United States and is responsible for the protection and recovery of more than 2,375 endangered and threatened species, of which 1,678 are in the United States. This significant stewardship mission requires Interior to be among the leaders as an active partner in ongoing efforts to understand and mitigate climate impacts on natural resources, promote biodiversity, and ensure these valuable assets remain available for the public to experience and enjoy. Interior's conservation and adaptive management work relies heavily on partnerships and interagency collaboration to leverage information and resources.

Interior's work to strengthen the resilience of natural resources through conservation, restoration, recovery, and adaptive management is a fundamental part of our mission. The Department estimates the budget includes \$3.2 billion in annual funding for conservation efforts. This includes dedicated funding increase to expand natural resource program in the NPS, BLM, and FWS totaling \$2.5 billion for critical restoration and improvements supporting healthier lands, waters, and ecosystems and their resident species. Within that amount, the budget supports key conservation and ecosystem management initiatives such as the National Seed Strategy, Migration Corridors, and youth corps partnerships.

The 2024 budget also invests in conservation programs which greatly leverage Federal efforts by engaging a wide variety of partners. The request includes \$140.3 million, an increase of \$34.2 million from 2023 enacted, for FWS partnership programs including Partners for Fish and Wildlife, Candidate Conservation, Coastal Programs, and Migratory Bird Joint Ventures programs. These programs support voluntary conservation on public and privately-owned lands—a key focus of the America the Beautiful initiative.

The Great American Outdoors Act established permanent, mandatory funding totaling \$900.0 million a year for Land and Water Conservation Fund programs to advance conservation and outdoor recreation. These funds are allocated to the Departments of the Interior and Agriculture for a combination of Federal land acquisition and grant programs. The LWCF programs support a wide variety of Federal, State, and local conservation and outdoor recreation opportunities in communities large and small across our country.

The 2024 budget proposes \$681.9 million for Interior's mandatory funded LWCF programs. This includes \$306.2 million for Interior land acquisition and \$375.7 million for grant programs. Interior's land acquisition programs prioritize projects as authorized for the National Parks, National Wildlife Refuge areas, and BLM public lands, which feature strong local partner engagement, protect at-risk natural or cultural resources, and advance the mission of the bureaus. In addition to the mandatory LWCF funding to be allocated in 2024, another \$117.9 million in GOMESA oil and gas revenue is estimated to be available for LWCF State formula grants.

The 2024 budget also proposes \$12.0 million in discretionary funding to establish a new Tribal LWCF Land Acquisition program in BIA. The program will enable Tribes to directly participate in the LWCF for the first time to acquire lands for the

purposes of natural and cultural resources conservation and recreation access. It is envisioned this program would provide funds for eligible land acquisition projects submitted by Tribes, although BIA plans to hold formal Tribal consultation on the establishment of the program. This new program, together with the proposed mandatory funding allocation, and anticipated GOMESA revenue, increases Interior's total LWCF funding to \$811.7 million in 2024.

LEVERAGING SCIENCE

Interior actively incorporates science to inform and enhance delivery of core mission activities. The 2024 budget includes roughly \$1.5 billion across Interior for scientific work and research. This commitment to science is evident in Interior's collection of natural resource data from years of day-to-day field measurements and recorded land, water, and species conditions, which help inform resource management decisions at Interior and a wide range of partners, States, Tribes, and the public. Interior is leveraging this information and applying new technologies and understanding to develop forecasting and modeling tools to inform and improve how we manage challenging conditions, such as water supply and demand or increasingly severe wildland fires. Interior also conducts basic and applied research to better understand and identify solutions to emerging challenges, such as harmful algal blooms, invasive carp, white nose syndrome in bats, and avian influenza.

The 2024 budget includes \$1.8 billion for USGS programs and operations, an increase of \$288.3 million from the 2023 enacted amount. To provide timely, relevant, and useful information about the Earth and its processes, USGS works with a variety of partners across the country to maintain roughly 20,000 groundwater monitoring wells, more than 11,800 stream gages and 3,800 earthquake sensors, and USGS directly monitors 70 volcanoes.

The 2024 budget includes \$128.0 million for the USGS Climate Adaptation Science Centers and Land Change Science Program, which provide information, tools, and science applications to meet current and emerging challenges that threaten the sustainability of natural resources and our cities, infrastructure, and rural communities. USGS has nine Regional and one National Climate Adaptation Science Centers across the country, which are affiliated with university partners. The centers work with a wide range of resource managers and other partners to address specific climate-related challenges to natural and cultural resources.

Through the Landsat program, the country has maintained a 50-year observational record of the Earth's surface, providing invaluable scientific information. The Department of the Interior continues to work closely with the National Aeronautics and Space Administration (NASA) to develop the upcoming Landsat Next mission, which will involve launching a constellation of three satellites into orbit at the same time. The Landsat Next mission concept will take advantage of new technologies, such as smaller satellites and improved sensors, to sustain consistent imaging data and deliver far more capabilities than Landsat 8 and 9, meeting more user needs with improved spatial resolution and faster revisit times. The USGS will also establish a commercial data pilot program to augment data from the Landsat satellites. The FY 2024 budget includes an increase of \$17.0 million to support these efforts.

CREATING JOBS AND MEETING ENERGY AND ENVIRONMENTAL CHALLENGES

Interior's programs create jobs and spur economic growth in a variety of areas—energy and minerals, recreation and tourism, grants and payments, and infrastructure investment. The 2024 budget maintains a consistent strategy to emphasize investment in areas that better position the country to be more competitive in the changing economy and environment.

Congress has enacted historic investments launching Federal and private-sector infrastructure projects that will build climate resilience and create more American jobs. The focus now is on project implementation to put those funds to work as soon as possible. The Administration is coordinating efforts across Federal agencies to streamline processes as appropriate to responsibly get these projects underway. Interior is actively engaged in those efforts, primarily as they concern statutorily required Endangered Species Act (ESA) permit reviews.

The FWS budget includes \$171.4 million, an increase of \$50.5 million from 2023, to increase the bureau's environmental permitting capacity to accelerate and improve environmental reviews supporting responsible development of priority infrastructure projects funded through the BIL and IRA. In addition, the budget includes a new government-wide General Provision to expand authority beyond existing reimbursable and Economy Act authorities by enabling Federal agencies to more effectively transfer funds provided under the BIL to FWS and the National Marine Fisheries Service to complete permitting activities. This authority in concert with exist-

ing authorities will improve efficiencies and increase capacity for environmental planning and consultation to better support the implementation of infrastructure investments now underway.

FWS will continue to advance electronic permitting efforts in 2024, and the budget proposes to consolidate all ePermitting efforts into a single activity to better manage the program's resources and provide additional visibility to this important effort. The program helps applicants properly identify and submit complete application packages and supports more efficient and effective processing. Although FWS has achieved a secure and modern system that enables permit applicants to apply and pay processing fees for permits online, work remains to be done to build and optimize features to better achieve efficiency and streamlining.

MOVING FORWARD WITH CLEAN ENERGY

The 2024 budget includes increases in offshore and onshore renewable energy programs building upon the tremendous growth accomplished by these programs the past year. We are on our way to achieve the Administration's goals to deploy 30 gigawatts (GW) of offshore wind capacity by 2030, 15 GW of floating wind by 2035, and continued growth thereafter. In FY 2022, the Bureau of Ocean Energy Management (BOEM) approved the South Fork project, initiated Environmental Impact Statements (EISs) for two projects, published draft EISs for two projects, and began the environmental review process for the construction and operation of offshore wind projects in the New York Bight.

As of February 2023, the BOEM has conducted 11 competitive wind energy lease sales for areas in the Atlantic and Pacific oceans, representing more than 2.5 million acres of commercial wind energy lease areas offshore California, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia. Together, leases from these sales have the potential to support 43.5 GW of offshore wind. BOEM conducted the first renewable energy lease sale ever off the California coast on December 6, 2022, and the agency plans to hold the first renewable energy lease sale in the Gulf of Mexico in FY 2023. The bureau is in the planning stages of identifying additional areas in the Gulf of Maine, and offshore the Central Atlantic, Hawaii, and Oregon. BOEM has also received unsolicited lease requests for areas offshore Washington and will continue to assess interest in those areas.

As of February 2023, BOEM has approved two construction and operations plans, and those projects are under construction. BOEM is actively processing 16 additional plans and expects to receive one more plan in 2023. If fully approved, these 19 projects have the potential to support more than 30 GW of generation capacity and power 10.6 million homes. The IRA authorized BOEM to conduct offshore wind leasing in the U.S. Territories. In FY 2023, BOEM will move forward with its lease planning process in Puerto Rico, and the 2024 budget includes an increase of \$6.0 million to continue this planning in the U.S. Territories.

The 2024 budget includes \$64.5 million for BOEM's Renewable Energy program, an increase of \$21.6 million above the 2023 enacted level. This request includes a \$12.0 million increase to support permitting. The budget includes \$92.8 million for BOEM's Environmental Programs, an increase of \$10.4 million, which includes funding for environmental review associated with renewable energy projects.

The budget for the Bureau of Safety and Environmental Enforcement (BSEE) includes \$8.4 million to continue to support offshore Renewable Energy deployment and oversight. BSEE anticipates receiving more than 40,000 wind engineering, construction, and other technical reports for review through the end of FY 2024. BSEE is working closely with BOEM to develop the necessary framework to ensure offshore renewable energy projects are implemented safely and responsibly.

BLM's onshore renewable program is also making tremendous progress to achieve the Energy Act of 2020 goal to permit 25 GW of renewable energy on public lands by 2025. The BLM has permitted more than 126 renewable energy projects in solar, wind, and operating geothermal power plants. They are processing 68 priority utility-scale onshore clean energy projects proposed on public lands in the western United States, including solar, wind, geothermal, and associated interconnect transmission line projects that are vital to grid connection. If approved, these projects would provide more than 35 GW of renewable energy to the western electric grid.

In addition to the 68 priority projects currently underway, BLM has over 120 pending ending applications for processing when transmission capacity is available, with the potential to support 50 GW of solar and wind energy. The BLM is taking additional steps to prepare for this increase in demand, including working to revise seven interstate transmission corridors designated under Section 368 of the Energy Policy Act of 2005. This effort involves amending 19 land use plans to remove bar-

riers or conflicts in the currently designated corridor network to improve the siting, permitting, and review of electricity transmission projects.

The bureau is also initiating a programmatic environmental impact statement in support of utility-scale solar energy planning. In light of improved technology, new transmission, and ambitious clean energy goals, the BLM is updating the 2012 Solar PEIS and considering adding more States, adjusting exclusion criteria, and potentially identifying new or expanded areas to prioritize solar deployment.

The 2024 budget includes \$72.5 million for BLM's Renewable Energy program, an increase of \$31.6 million from the 2023 enacted level. This funding supports the bureau's Renewable Energy Coordination Offices and includes increases to build staffing capacity and support planning and permitting efforts to accommodate the surge in demand and workload. The request supports proactive programmatic assessments and consultations with FWS under Section 7(a)(1) of the ESA. This work will review ecological regions for appropriate renewable energy deployment scenarios in key areas where substantial renewable energy development interest exists. This approach is an efficient alternative to project-by-project consultation. BLM estimates using the ecological region assessment approach will result in ESA project-consultation reviews completed up to 90 percent faster and deliver substantially improved species conservation outcomes.

CONVENTIONAL ENERGY

The budget for BOEM provides \$72.3 million for conventional energy programs to support Outer Continental Shelf (OCS) planning, leasing, and oversight, including inventorying oil and gas reserves, overseeing ongoing activities, ensuring adequate financial assurances for decommissioning liability and risk management, developing and implementing the National OCS Oil and Gas Leasing Program (National Five-Year OCS Program), reviewing and administering oil and gas exploration and development plans and geological and geophysical permits, and conducting economic analyses and resource evaluation. The budget also includes \$92.8 million for Environmental Studies, supporting conventional and renewable energy activities.

As directed by the IRA, in 2022, Interior reinstated bids from Lease Sale 257 and on December 30, 2022, held Lease Sale 258 in Cook Inlet offshore Alaska. BOEM is proceeding with congressional direction to prepare two lease sales in the Gulf of Mexico, Lease Sales 259 and 261. The bureau is on track to meet the statutory requirements that Lease Sale 259 be held by March 31, 2023, and Lease Sale 261 by September 30, 2023. BOEM is continuing development of the next National OCS Leasing Program.

The 2024 budget for BSEE includes \$217.1 million for conventional energy programs to support OCS permit application reviews, regulation and standard development for offshore activities, verification and enforcement of operator compliance with all applicable environmental laws and regulations, technical reviews of planned operations and emerging technologies to properly identify and mitigate risks, a robust inspection program employing an annual inspection strategy that includes risk-based inspections, and incident investigations. BSEE's budget also includes \$30.0 million to fund the decommissioning of orphaned offshore oil and gas infrastructure. This funding, along with funding from other sources, will be used to address the most immediate and urgent well, pipeline, and platform decommissioning needs to help reduce the risks to environmental health and safety.

The 2024 budget includes \$123.5 million for BLM's Oil and Gas Management program, an increase of \$10.6 million from the 2023 enacted amount. The BLM budget also includes \$51.0 million for Oil and Gas Inspection Activities and proposes to offset the cost of this program through the establishment of onshore inspection fees. Increases in the 2024 budget support increased program capacity and support to implement requirements in the IRA, which modernized the Mineral Leasing Act and mandates collecting royalties on all extracted methane. In addition to administering oil and gas leasing and ensuring environmentally responsible development, the budget request includes funding to remediate legacy well sites in the National Petroleum Reserve—Alaska.

The 2024 budget includes \$13.8 million for onshore and offshore carbon sequestration programs in BLM, BOEM, and BSEE. Incentives included in the IRA are expected to rapidly increase interest in carbon sequestration, and Interior's bureaus are laying the groundwork to help ensure that these efforts are implemented responsibly and safely. BOEM and BSEE are working together to develop and publish a carbon sequestration notice of proposed rulemaking for review and public comment. While the rule is under development, BOEM and BSEE will continue to develop their carbon sequestration programs to facilitate program implementation upon final rule publication.

RECLAMATION JOBS

To complement significant BIL investments in abandoned coal mine reclamation projects, the 2024 budget provides annual ongoing support for other related reclamation activities addressing State and Tribal reclamation needs associated with abandoned hardrock mines, legacy pollution on Interior's lands, and economic development projects with a nexus to abandoned coal mine lands. These projects address legacy pollution—which harms the environment and often risks the public health of communities—while creating good-paying jobs, advancing long overdue environmental justice, and restoring lands for other uses.

The budget includes \$30.0 million for the Abandoned Hardrock Mine Reclamation Program authorized in the BIL to support State, Tribal, and Federal efforts to inventory and address legacy sites on their lands. Many States, Tribes, and Federal land programs do not have good inventories or strong programs to manage Abandoned Hardrock Mine sites. This program targets the need to build capacity and begin to address these long-standing risks to health and safety.

The 2024 budget includes \$62.8 million for BLM's Abandoned Mine Lands and Hazardous Materials Management program, an increase of \$5.6 million more than the 2023 enacted amount, which will operate in tandem with the national Abandoned Hardrock Mine Reclamation Program to increase efforts to inventory and remediate those sites on BLM lands.

Interior has also spearheaded an Interagency Working Group on Mining Regulations, Laws, and Permitting (IWG) to examine the existing statutory and regulatory framework for hardrock mining. The group will identify and recommend potential improvements to Federal mining laws and mine permitting processes, while better ensuring new mining activity engages local and Tribal communities and meets strong environmental standards. These efforts will help promote sustainable and responsible domestic production of critical minerals that are vital to achieving a clean energy economy. The IWG has hosted extensive listening sessions to solicit input from a multitude of stakeholders and will be releasing its report with recommendations in FY 2023. The Administration looks forward to working with Congress in FY 2023 and FY 2024 to implement much needed mining reforms that will ensure strong social, environmental, and labor standards while making improvements in the efficiency, transparency, and inclusiveness of the Federal mine permitting system.

Interior's Office of Surface Mining Reclamation and Enforcement (OSMRE) works with States and Tribes to regulate active coal mines to ensure mining is done in an environmentally-responsible manner occur and to remediate abandoned coal mines to address health and safety hazards. High priority abandoned mine land problems pose an immediate threat to health, safety, and the general welfare of communities and can include clogged streams/stream lands, dangerous piles or embankments, dangerous highwalls, and underground mine fires, and polluted water. OSMRE manages the State and Tribal abandoned mine reclamation grant programs authorized by the Surface Mining Control and Reclamation Act and the BIL. In 2022, OSMRE invested nearly \$1 billion in coal communities, including making nearly \$725 million available to 22 States and the Navajo Nation for reclamation as part of the BIL and \$144.0 million available through the traditional, fee-funded, mandatory AML grant program.

The 2024 budget includes \$135.0 million for the Abandoned Mine Land Economic Revitalization (AMLER) grant program, which administers grants to 6 States and 3 Tribal Nations to return legacy coal mining sites to productive uses and foster economic and community development. The AMLER program has made more than \$750 million available to the Nation's current and former coal communities to provide economic and community development and achieve reclamation of historic abandoned mine sites.

PROMOTING EQUITY, DIVERSITY, AND INCLUSION OF UNDERSERVED COMMUNITIES

Interior continues to work across the Department to expand equity, diversity, and inclusion beyond day-to-day management policies to incorporate this concept in the delivery of our missions. This effort is consistent with the Administration's whole-of-government approach to advance equity, civil rights, racial justice, and equal opportunity. Interior's 2024 budget request supports the actions needed to recognize and redress inequities and to proactively advance diversity, equity, inclusion, and accessibility within the Department's workforce. The Department seeks to ensure that everyone, no matter their background or ZIP Code, can enjoy the benefits of green spaces and the outdoors.

INCREASING REPRESENTATION AND INCLUSION

Reflecting the Administration's commitment to accessibility and inclusion, the budget includes an additional \$10.0 million as part of the Increasing Representation in Our Public Lands initiative. Funding is included in the budgets of the U.S. Fish and Wildlife Service at \$4.0 million; the BLM at \$3.0 million; and the NPS at \$3.0 million. The initiative will provide support for recent or potential new designations that preserve important places and tell the stories of those that have been historically underrepresented, such as the recent designations of the New Philadelphia and the Blackwell School National Historic Sites.

The Administration remains committed to efforts to strengthen Tribal Sovereignty including Tribal and Federal co-stewardship of Federal lands, waters, and wildlife, through collaborative and cooperative agreements with Tribal Nations. At the end of 2022, Interior and the USDA Forest Service had signed more than 20 new co-stewardship agreements with Tribes, Alaska Native corporations, and consortiums. Interior's 2024 budget includes targeted increases to expand Tribal co-stewardship across the Department. The NPS budget includes \$7.1 million to directly support Tribal participation in management of Federal lands and waters with cultural and natural resources of significance and value to Indian Tribes and their citizens, including sacred religious sites, burial sites, wildlife, and sources of indigenous foods and medicines.

The budget for the FWS includes increases of \$3.5 million to advance improved co-stewardship and engagement with Tribes on Indigenous Knowledge research and conservation planning.

Implicit in the Marine Mammal Protection Act is the realization that cooperative management of subsistence harvests between FWS and Alaska Native organizations is more likely to achieve the goals of the Act than management by a Federal agency alone. The budget provides strong support to continue to build these relationships with partners such as the Eskimo Walrus Commission and Alaska Nannut Co-management Council, which is the FWS co-management partner for polar bears.

Many of Interior's bureaus have dedicated Tribal liaison services to support Tribal engagement. The NPS 2024 budget proposes separate funding for Tribal Heritage Grants within the Historic Preservation Fund to support Indian Tribes, Alaska Native villages and corporations, and Native Hawaiian organizations for the preservation and protection of their cultural heritage, in addition to other important ongoing Tribal programs. The USGS budget includes an increase of \$7.2 million for Tribal climate adaptation science as well as geospatial and geologic research focused on Tribal lands.

ONGOING COMMITMENT TO DIVERSITY AND EQUITY

The Department is responsible for protecting and preserving the treasures of this Nation and aims to build a workforce that represents the treasures of this Nation—its people.

In 2022, the Department published its first Equity Action Plan, which outlined efforts to advance equity through all DOI operations, remove barriers to equal opportunity, and deliver resources and benefits equitably to the general public. The Equity Action Plan is a key part of Interior's efforts to implement Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government, which calls on Federal agencies to advance equity by identifying and addressing barriers to equal opportunity that underserved communities may face as a result of some government policies and programs.

In support of the Diversity, Equity, Inclusion, and Accessibility (DEIA) Action Plan, the 2024 budget includes program increases of \$11.1 million for the Office of Diversity, Inclusion, and Civil Rights; Office of Human Capital; and Office of Collaborative Alternative Dispute Resolution to do the following:

- Provide resources to the Department's first-ever DEIA Council to coordinate, develop, and implement policies and initiatives promoting the integration of DEIA across the agency.
- Conduct barrier and workforce analyses and increase equal employment opportunity (EEO) and DEIA training to employees across the agency.
- Address EEO adjudication resourcing and compliance gaps identified by the Equal Employment Opportunity Commission resulting from two technical assessments of DOI's EEO program.

- Improve the Department’s Public Civil Rights reporting and tracking capabilities.
- Strengthen the Department’s Affirmative Employment Programs, including the development of diversity and recruitment flexibilities and assessment of hiring programs to improve recruitment results.
- Expand capacity for alternative dispute resolution and EEO complaint mediation.

The budget also includes \$2.0 million to coordinate and manage Departmentwide Justice40 efforts to help deliver at least 40 percent of the overall benefits from certain Federal investments to disadvantaged communities.

BUILDING AGENCY CAPACITY

Interior is strengthening the Department’s delivery of core programs and services for the American people. Efforts related to improving Interior’s workforce and operations and better leveraging technology and information are underway across the Department.

INTERIOR’S WORKFORCE AND INFRASTRUCTURE

Interior’s mission activities rely on a talented and dedicated workforce, and many bureau operations are labor intensive and complex. At the end of 2020, however, Interior’s staffing was at a 10-year low, with 60,558 FTE. Despite the pandemic, by the end of 2022, staffing had increased to 61,857 FTE. When fully enacted, the Department’s 2024 budget would support an estimated 68,329 FTE, an increase of 4,009 FTE from the estimated 2023 level. As the Department rebuilds its workforce, Interior is working to recruit, hire, and train the next generation of talented people who will reflect the diversity and strength of the United States.

The NPS depends on a talented staff to carry out its mission at national park areas across the country. Over time, full-time staffing across the National Park system has eroded due to absorption of fixed costs and other challenges. As part of a multiyear effort, NPS is working to build up its full-time Federal staff across the park system. The 2024 budget includes an increase of \$25.4 million to continue this support to build operational capacity across all park areas, the

U.S. PARK POLICE, AND NPS SPECIAL AGENTS

Interior manages an infrastructure portfolio valued at more than \$400 billion, which includes a variety of structures, including dams, storage buildings, and national icons. The Department is responsible for roughly 43,000 buildings, 115,000 miles of road, and 83,000 structures.

Operations, maintenance, renewal, and modernization of infrastructure are a significant focus of Interior’s funding that directly help to create jobs and benefit local economies.

The 2024 budget includes more than \$3.0 billion, \$40.5 million above the 2023 level, to address the Department’s infrastructure operations, maintenance, renewal, and modernization needs.

Interior’s annual request for infrastructure funding is in addition to \$1.6 billion in mandatory funding available to Interior each year through 2025 through the National Parks and Public Land Legacy Restoration Fund (LRF) included in the GAOA. Those funds are available to address the Department’s deferred maintenance backlog in the NPS, FWS, BLM, and BIE schools. The USFS also receives up to \$285 million in LRF funding each year.

At the end of 2023, Interior’s LRF program will have initiated 276 projects touching all 50 States; Washington, D.C.; Puerto Rico; and the U.S. Virgin Islands. When completed, those projects are estimated to address \$3.4 billion of Interior’s deferred maintenance backlog, create an average of 17,000 jobs each year, and contribute an average of \$1.8 billion each year to the overall gross domestic product. The 2024 budget proposes another \$1.6 billion in identified LRF projects across the country.

In addition, the budget includes \$53.6 million across multiple bureaus to support a multi-year plan to fully transition the Department’s light duty fleet acquisitions to zero-emission vehicles (ZEVs). This funding will be used to conduct fleet planning (including ZEV integration), electric vehicle supply equipment (EVSE) site evaluations, EVSE installation, and ZEV acquisition. This planning helps to ensure ZEVs are integrated into Interior fleet plans; prioritize facilities for deployment; determine infrastructure needs, such as increased electrical supply and access for EVSE; and coordinate installation to ensure Interior can maximize the use of the charging stations across the bureaus and other Federal agencies.

INVESTING IN TECHNOLOGY AND INFORMATION MANAGEMENT

The 2024 budget includes \$4.5 million in the Appropriated Working Capital Fund, complemented with \$200,000 in BTFA, to help improve Interior's customer service by better understanding our customers, reducing administrative hurdles and paperwork burdens, and redesigning compliance-oriented processes to improve the customer experience. Interior is targeting these efforts in four specific programs: Bureau of Indian Affairs probate activities; Bureau of Trust Funds Administration management of Individual Indian Money accounts and beneficiary services; FWS trip planning through fws.gov; and NPS digital experience and volunteer services.

The 2024 budget includes \$10.1 million to enhance data management practices and conduct program evaluations to inform evidence-based decisions. That amount includes \$2.1 million to establish a robust data management program to organize data through an enterprise data inventory to better support analysis and evaluation across the agency. Another \$6.1 million will support evidence and program evaluations of programs, initiatives, and processes across Interior to assess how well they are working to achieve the intended goals.

To better support that data-driven work, the 2024 budget includes \$59.7 million for the operation and maintenance of the Financial and Business Management System (FBMS), an increase of \$5.3 million from the 2023 enacted amount. The request includes funding required for ongoing operations and maintenance of the Department's integrated FBMS system of record.

Modernizing Interior's core business system to ensure a strong administrative backbone is critical to the continued execution of Interior's mission activities.

The 2024 budget includes \$67.8 million to fund cybersecurity efforts, an increase of \$23.4 million. The budget continues to fund extremely high-priority, recurring operations and maintenance costs for incident remediation activities and provides resources to be directed against emerging threats. The request includes an increase of \$23.4 million to support a Zero Trust (ZT) architecture, which will advance Interior's adaptation of a modern security model founded on a principle requiring all devices and users, regardless of whether they are inside or outside an organization's network, to be authenticated, authorized, and regularly validated before being granted access. Within the \$23.4 million increase is \$5.0 million for a secure access service edge (SASE) solution, which focuses on securing access points to meet the required ZT security and performance standards.

The 2024 budget proposes appropriations language to establish a nonrecurring expenses fund (NEF), which will allow the Department to transfer unobligated balances of expired discretionary funds from 2024 and subsequent years, no later than the fifth fiscal year after the last fiscal year of availability, to the NEF as no-year funds to support specific purposes. The NEF will provide funding for critical infrastructure projects that may require significant one-time investments, such as information technology modernization projects. Those requirements often do not coincide with the timing of the budget formulation process and are difficult to forecast. In many cases, those costs either cannot be accommodated within existing funds or are emergency requirements that would otherwise require the Department to reprogram existing funds from other priority projects.

The 2024 budget includes \$185.4 million for the Office of Natural Resources Revenue (ONRR) to ensure revenue from Federal and Indian mineral leases is effectively, efficiently, and accurately collected, accounted for, analyzed, audited, and disbursed in a timely fashion. The request will fund additional staff and counsel support and strengthen ONRR's audit and compliance activities as well as expand ONRR's Tribal audit program to include agreements with two additional Tribes. The budget includes an increase of \$5.0 million to address new royalty rates and other changes enacted in the IRA, which are expected to increase the complexity of royalty reporting and audit requirements.

Interior's operations rely heavily on field communications which in some places, the Department's legacy land mobile radio system, a technology largely unchanged since the 1950s, is the first and often only source of communication. The 2024 budget includes \$32.2 million for DOT's Field Communications Modernization (DIFCOM) as part of a multiyear investment which includes the BIA, BLM, FWS, NPS, and USGS, and the Office of the Chief Information Officer.

CONCLUSION

The 2024 President's Budget for Interior invests in programs to strengthen our Nation for all Americans, protect our environment, and ensure our future generations continue to not only enjoy, but improve our way of life. I look forward to doing this work together. Thank you again for having me, and I am pleased to answer any questions you may have.

PUBLIC SAFETY ON TRIBAL LANDS

Senator MERKLEY. Thank you very much, Madam Secretary. And we are going to have seven-minute rounds of questioning. I am going to try to get through three tribal questions during that seven minutes.

And I wanted to start with the issue of the importance of public safety and justice funding for our tribes. We have a complicated system of jurisdiction over law enforcement on tribal lands. Sometimes the tribe is responsible. Sometimes the Federal Government is responsible.

We also have a complicated system of funding for tribal, public safety and justice programs. There are tribes that are eligible for receiving Federal funding but are not able to kind of get inside the club, if you will, including five tribes in Oregon and some 30 tribes nationwide.

For this reason, I advocated for and we included in last year's funding bill \$7 million for startup funding for the Department to begin consultations with tribes to determine the extent of the problem and to provide a small amount of base funding to the tribes that now want to participate who would otherwise be eligible but have been excluded so far. Can you update us on how the consultation is proceeding and how the money will be spent under this program?

Secretary HAALAND. Thank you, Chairman, and we appreciate the support on that. The Bureau of Indian Affairs is finalizing the list of eligible Tribes, and we expect to deliver that to Congress in the coming weeks. As soon as that list is provided, we will announce the consultation with the impacted tribes regarding how the funding should be allocated.

Senator MERKLEY. And do you have some sense of how the allocation formula might work?

Secretary HAALAND. We are happy to get back with your office on those specific details.

[The information follows:]

TRIBES NOT SUBJECT TO PUBLIC LAW 83-280 THAT DO NOT RECEIVE LAW ENFORCEMENT SERVICES OR FUNDING FROM THE OFFICE OF JUSTICE SERVICES

The table below identifies the Tribes eligible for the additional funds provided by Congress in FY 2023. BIA held a consultation regarding this issue, including on how the funding should be allocated, on May 23, 2023. Of the 31 Tribes invited, 10 Tribes attended. The deadline for Tribes to request a portion of this funding was extended from June 6, 2023 to June 23, 2023. The deadline for submission of written comments was also extended to June 23.

Tribes	State
Alabama-Quassarte Tribal Town	OK
Catawba Indian Nation	SC
Cayuga Nation	NY
Chickahominy Tribe	VA
Chickahominy Tribe-Eastern Division	VA
Cow Creek Band of Umpqua Tribe of Indians	OR
Houlton Band of Maliseet Indians	ME
Jena Band of Choctaw Indians	LA
Kialleggee Tribal Town	OK

Tribe	State
Little Shell Tribe of Chippewa Indians of Montana	MT
Mashpee Wampanoag	MA
Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan	MI
Mohegan Tribe of Indians of Connecticut	CT
Monacan Indian Nation	VA
Nansemond Indian Nation	VA
Nottawaseppi Huron Band of Potawatomi	MI
Oneida Indian Nation	NY
Onondaga Nation	NY
Paiute Indian Tribe of Utah	UT
Pamunkey Indian Tribe	VA
Pueblo of Sandia	NM
Rappahannock Tribe	VA
Sac & Fox Tribe of the Mississippi in Iowa	IA
San Juan Southern Paiute Tribe	AZ/UT
Seneca Nation of Indians	NY
Shinnecock Indian Nation	NY
Thlopthlocco Tribal Town	OK
Tonawanda Band of Seneca	NY
Tuscarora Nation	NY
United Keetoowah Band of Cherokee Indians	OK
Upper Mattaponi Tribe	VA

TRIBAL LAW ENFORCEMENT: CRIME PREVENTION

Senator MERKLEY. Great. Okay. I am going to turn to the second question, which is the budget you have put before us proposes \$642, I am rounding off, million for Bureau of Indian Affairs' public safety and justice programs.

And boosting the boots on the ground, if you will, across Indian country seems to be a central tenet of this request. The Tribal Law and Order Act report shows an unmet need of \$3.5 billion for public safety, so we obviously have a huge disparity or a huge challenge in that regard. But in addition to boots on the ground, is this a goal of, well, preventing crime before it happens.

Always better if a problem never occurs, a crime is never committed. Can you describe how your budget addresses not just the need for law enforcement, but also crime prevention and the Tiwahe Initiative?

Secretary HAALAND. Senator, thank you so much for that question. First, I will just say that tribal public safety and justice are one of the top priorities of Tribes across the country. And so, we understand the need for this. I just want to say that there is always a need to make sure that we have the staffing in those areas.

And, part of that is making sure that the benefits and pay for these tribal communities are at a level that helps them to want to stay where they are. We have had a problem with retention, you know, we train tribal police officers up and then they find a better paying job elsewhere.

And so, we are working very hard to retain the staff that we have in those areas. And I think that is one of the largest issues.

Senator MERKLEY. And this particular initiative that began in 2015, as I understand it, Tiwahe, means family in the Lakota language and symbolizes the interconnectedness of all beings, and was launched with a series of pilot projects in six communities with the

goal of reducing crime on the front end. Any update on how those pilot programs are going?

Secretary HAALAND. Senator, we will be happy to update your staff specifically on the Tiwahe initiative, if that is okay with you. I will get with you soon.

INDIAN AFFAIRS SECTION 105(1) LEASE PROGRAM

Senator MERKLEY. Thank you. That would be great. And then I am happy to see the President's budget requests reclassifying contract support costs and 105(1) building leases as mandatory funding. And you know, that is a mouthful, contract support costs and 105(1) leases. And what are those?

Well, essentially, they are the administrative overhead and leasing costs that a tribe bears when it options to self-Government. And twin court cases have affirmed that the Federal Government is required to reimburse tribes for these costs, and I want to emphasize that word, "required".

And so, what are these costs, really? Well, what they are is the cost of a tribe exercising its sovereignty to run their own programs. And for this reason, the term that I have been encouraging is to call these tribal sovereignty payments because they are required, and therefore, it makes sense that they are done as mandatory funding.

And so, I don't know if that term is one that resonates with you, but I thought I would ask you in terms of its role. And if you would like to elaborate on this goal of having those two required expenses classified as mandatory funding.

Secretary HAALAND. I appreciate your support of this, Chairman. And yes, I mean, you said it all. They are required by law. These costs are not optional. And so, it stands to reason that there is no option for this, so we have to pay.

So, for example, if a Tribe requests compensation for the use of law enforcement facilities they built and paid for, the BIA must develop a 105(1) lease agreement and provide the associated funding. So, these are things that we have to do. So, we appreciate the support on that. And thank you for supporting Tribes.

Senator MERKLEY. Do you like that term, tribal sovereignty fees?

Secretary HAALAND. I think it is great.

Senator MERKLEY. Great. Thank you. I will turn this over to Senator Murkowski.

KING COVE, ALASKA

Senator MURKOWSKI. Madam Secretary, let's begin with the first part of my opening statement, which was reference to the people of King Cove. And I talked about the medevacs. We want to put that into just nothing more than bad memories.

But there have been more than 200 medevacs that King Cove has endured over the past 9 years, 28 of those by the Coast Guard. Risks their crew lives, costs tax taxpayer dollars. You have heard it all.

You have not yet had an opportunity to speak on the record yet about what your Department is doing with regards to the situation in King Cove and why. So, if you can this morning say to the committee about why your Department withdrew from the land ex-

change agreement, and more importantly, what can you tell the Alaska Native people of King Cove to assure them that you will finally be the Secretary that protects their health and safety?

Secretary HAALAND. Thank you very much, Senator, for that question. So, the land exchange that we withdrew, as I mentioned to you when we spoke, was essentially flawed. And we felt that by the time it wound its way through, that it would take a very long time and that perhaps we could work toward a better solution in a quicker timeframe.

With respect to the people of King Cove. Yes, I have visited there, like it happened yesterday. My time there with them and with you last year resonates with me, and I have met twice with them virtually and once in person. So, I have heard the stories and I understand how difficult it is for the people there to get the services they need.

We also visited the clinic. There is no way for them to—it can't be, Anchorage General Hospital on King Cove. The medical services they get there are limited, so we completely understand that, too. And the weather.

So, doctors can't even get into the community at times. So, we understand all of those challenges, and I really want to find a solution for the people of King Cove so that they don't have to worry about getting the medical care that they need.

You know, what I said in my last meeting virtually with the leadership at King Cove was that, I know that people tell them, move to Anchorage. Why don't you move somewhere where you can get the health care you need? And that is not for us to decide.

We have, our Department has, an obligation to our nation's Indian Tribes. We have a trust and treaty obligation. That absolutely includes health care, education, housing, and so forth. We are committed to ensuring that the people of King Cove can once and for all find a solution to this terrible tragedy in so many ways.

And so, I just want you to know that two of my high level staff were just there in King Cove yesterday. As promised, we are following through with our commitment to meet with them, to keep them informed.

We want to make sure that we are informing them every step of the way. And so, I just want to let you know that I am committed to a solution there.

Senator MURKOWSKI. And Madam Secretary, I appreciate that you say you are committed to a solution. Are you committed to a land exchange that will allow for the ten-mile, one lane gravel, noncommercial use road that will allow the people of King Cove to gain access to transportation, to take them to the public health facilities that they need?

Secretary HAALAND. Senator, all of these things are pre-decisional and I don't want to cause any part of this to fail on my part. So, I just want to assure you that we are committed to a viable solution for the people of King Cove. And we will keep them informed of that.

Senator MURKOWSKI. You and I recognize that processes like a land exchange cannot be done with a snap of a finger. Cannot be done overnight. They take time. We can all count backwards from the end of a term.

We can all look at steps along the way when it comes to a required Environmental Impact Statement (EIS) and how long the process takes. And I would suggest to you that we do not have unlimited time to do this under your watch. And if you are committing to the people of King Cove and you are committing to me that you will find a solution that will address their public safety concerns. We don't have the luxury of time.

And so, the promise to just keep us informed, in my view, is not satisfactory. If we are going to accomplish this, if we are going to address the wrongs that have been, have literally been perpetuated on these native people by a Government that basically came in and said this area that you have utilized, that you have used for access, for hunting, for your cabins, we are going to designate as a wilderness, as a refuge area, and no consultation, no input whatsoever, just cut off. You know that is not right. They know that is not right.

And we need to rectify this. We have been working on this now for over 30 years. Two hundred medevacs, people died and you have talked to, you have heard from those whose lives have been forever changed by the inability to gain access to a simple, one lane gravel, and noncommercial use road. It ought to not be this hard.

I need you to be this warrior. I want us to be looking at how we can legislate, because we know that that will be the quicker route. Mr. Chairman, my time has expired. Thank you.

Senator MERKLEY. Thank you very much, Senator. I am going to turn to the chair of the Appropriations committee, Senator Murray.

STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Well, thank you very much, Chair Merkley and Ranking Member Murkowski. I am really pleased that both of you are leading this important subcommittee, because I know both of you understand, like Vice Chair Collins and I do, that we have a responsibility to work in a timely fashion, in a bipartisan way, to pass these funding bills that keep our families safe and our nation strong and competitive.

So, I look forward to working with both of you to do just that as we return to regular order. And this hearing is an important reminder on how these issues this subcommittee deals with are critical to all of our families back home. For one, we have to make sure our nation lives up to its commitment to our tribes, providing the necessary Federal support and honoring our commitment to their sovereignty.

That is why I want to underscore my support for Chair Merkley's efforts on tribal sovereignty payments. We also have a moral obligation to leave the next generation a world in better shape than we found it. So, we have to keep in mind defense spending isn't the only way that we protect our nation.

The critical issues we are talking about here today are directly connected to the security of our country and the strength of our economy. We have to protect and restore our environment so we can pass on to our kids clean air and thriving forests and healthy ecosystems that support strong communities.

And we must ensure that our kids have safe drinking water free of lead contamination and harmful chemicals like Per- and

polyfluoroalkyl substances (PFAS). Our national parks are national treasures, bringing in tourists and dollars from around the world to local communities in every corner of our nation, and giving our families a great place to see the outdoors and explore our country.

They also remind us that our security and our strength directly connected to how well we care for our environment, our ability to tackle the climate crisis, for instance, because families are less safe when climate disasters become more frequent, when wildfires devastate our communities.

Any Western State can tell you that when ecosystems are upended by invasive species, like we are dealing with European green crab in Washington State right now, or when rising temperatures create prolonged droughts impacting our farmers and our wildlife and our day-to-day life.

And when we fail to prevent and respond to those disasters, we are weaker and less competitive in the world as well. In my home State of Washington, salmon is a way of life. They are a huge part of our economy, our history, and our culture. Protecting and restoring salmon habitat and increasing salmon runs is key to our state's strength and its future. And saving salmon is also a part of meeting our obligation to our tribes.

And there are so many other examples like this that make clear why protecting our land and our water and our air and our environment is so important to our country's future. So, I am very glad to have this opportunity to just discuss how we can invest in doing just that, to strengthen our nation. So, Secretary Haaland, welcome to the committee.

SALMON HATCHERIES

Senator MURRAY. As I mentioned, salmon is a way of life in my home State. Can you talk about how this budget will help with salmon recovery and what investments will support hatchery maintenance and operations?

Secretary HAALAND. Thank you very much, Chair Murray. And yes, salmon is a way of life for so many communities, and I have been able to visit many of those communities, so I understand that it is not just the food you eat, but it is a cultural way of life for so many people.

I am very proud of our fish hatcheries. In fact, I went to a fish hatchery when I was in Oregon just a couple of weeks ago. Around 1 million to 2 million salmon now return to the Columbia Basin annually. Of those, a majority are hatchery fish. Those are important entities that we want to make sure that we support.

The budget maintains support for hatchery operations and includes a significant increase of \$15 million to address hatchery deferred maintenance work. The budget proposes an \$80 million for national fish hatchery operations, a \$7 million increase including \$23 million for hatchery maintenance and equipment.

Senator MURRAY. Okay. Thank you. Well, this is something I follow very closely, as I know both of our committee chair and ranking member will as well. I wanted to ask you about the European green crab.

It is a globally damage invasive species that is of particular concern in my home State. We need to get ahead of this now to protect

the native crab populations. How does U.S. Fish and Wildlife Service intend to work with National Oceanic and Atmospheric Administration to address this threat?

Secretary HAALAND. Thank you. Invasive species, of course, across the country is a giant concern for all of us. The Fish and Wildlife Service continues to coordinate and participate in European green crab control efforts.

And we work with partners, they work with partners to develop a draft national control plan, and that is expected in April. And also, the Fish and Wildlife Service conducts early detection, monitoring, control, and removal of these crabs on Pacific Northwest refuges, the refuges that Fish and Wildlife Service manages.

It also provides grants to States to implement statewide aquatic nuisance species management plans. We will work with States to make sure that we can help with this invasive species.

DOI-WIDE DROUGHT EFFORTS

Senator MURRAY. Okay. Thank you. We will be working with you on this as we move forward. And finally, in the west, wildfire and droughts are actually two sides of the same coin. While this year's atmospheric rivers have given us a lot of rain, we know that climate change is impacting the long-term hydrology across our country.

I recently spoke with Commissioner Townsend about reclamation work on drought. So, I wanted to ask you about agencies within Interior, how do they work in tandem to deal with the issue of drought?

Secretary HAALAND. Thank you. So, we take an all of Department of Interior approach to address drought, specifically in the West, because we know we need to build long term resilience. And that includes making sure that we are working not only with States, local communities, but also with Indian tribes.

The Geological Survey, as well as the Fish and Wildlife Service, both play a critical role in working to remedy these impacts of our changing climate. And they provide actionable science for land and water managers that inform resource management activities.

In 2024, the U.S. Geological Survey proposes \$6.5 million to provide resource managers with decision support tools to better understand this issue.

Senator MURRAY. Thank you very much. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you very much, Chair Murray. And we are going to turn to Senator Fischer.

AMERICA THE BEAUTIFUL INITIATIVE

Senator FISCHER. Thank you, Mr. Chairman and Ranking Member. Madam Secretary, thank you for being here today. I would like to start by discussing the Administration's America the Beautiful Initiative. Could you tell us to date how much funding has DOI spent on implementing the America the Beautiful Initiative?

Secretary HAALAND. I appreciate the question. And I would actually, if it is okay with you, Senator, we can get back to your office with the exact funding. I don't have that in front of me at the moment.

Senator FISCHER. Okay. For example, can you tell me if staffing resources have been used to plan for it, coordinate, implement, or track the initiative?

Secretary HAALAND. Thank you so much. The America the Beautiful supports public/private conservation partnerships for example we have \$140 million, which is an increase of \$34 million for Fish and Wildlife Service partnership programs. I apologize, I just got the list.

If that is okay, I will tell it to you. \$182 million, which is an increase of \$8 million for Fish and Wildlife Service Conservation Grant Programs, where people can apply for those grants to help their projects. And \$306 million for National Park Service (NPS) Land and Water Conservation Fund grants.

Senator FISCHER. Now, is that funding that has been currently spent or what you are planning to spend?

Secretary HAALAND. Well, we are asking for increases in our going partnership programs and conservation grants.

Senator FISCHER. Okay. I know in in your request, you have listed the America the Beautiful Initiative at least 86 times throughout the budget justification. I just wanted to bring to your attention that Nebraska is a private property State. Ninety-seven percent of our land is privately owned.

And as we look at this initiative, the fact that there is no clear authorization or appropriations from Congress means that there is no guardrails that is there, and I don't believe there is any accountability for how you would spend those funds. So that has caused a lot of concern with my constituents.

In fact, we have at least 70 counties in Nebraska that have issued resolutions of disapproval for the 30 by 30 initiative. Nebraskans are concerned that this effort is an attempt at a land grab by the Federal Government at worst, and it is a failure of the Administration to recognize that private landowners are the best managers of their land at best.

So, given the level of concern that we see from Nebraskans and the majority of Nebraskans, can you tell me how the Administration and how you are defining conservation in relationship to the goal that is listed with the America the Beautiful Initiative, and how much land today would meet that definition?

Secretary HAALAND. Thank you. First of all, I will say that we are working on an atlas that would essentially, count the land and track conservation efforts. We also want to mention that the America the Beautiful initiative, is really based on locally led conservation.

There are a lot of private landowners who feel very strongly about conserving resources on their lands, and they designate certain areas for certain things or animals. And so, we are happy to work with private landowners.

We know that they are the best stewards of their own lands as well, and we respect and appreciate that. So, it supports locally led conservation partnerships. Those are the conversations we are having now. I recognize that there might be a concern, but the America the Beautiful Initiative is based on a voluntary opportunity for—

Senator FISCHER. Right. But I would point out, as you are working on this and working with mapping, Congress hasn't provided any funds for this initiative. And I believe your job is to implement programs that Congress has provided funds for.

So, I would appreciate an accounting of any past or planned expenditures that you have, salaries, programs, IT, reprogramming, and the whole thing. That is going to, I think, be very helpful as we look at the Interior appropriations bill. So, I hope that you do follow up with my staff.

Secretary HAALAND. We absolutely. Thank you, Senator.
[The information follows:]

AMERICA THE BEAUTIFUL EXPENDITURES—PAST & PLANNED

The America the Beautiful is an interagency initiative to support locally led, partnership driven conservation and restoration nationwide. Interior is an active Federal partner in supporting the initiative driven by our mission and responsibilities for land and resource management. DOI's participation in America the Beautiful comes through established DOI programs which support the goals of the initiative, but the Department does not track funding for it as it would a formal program.

During the hearing, Secretary Haaland gave examples of funding requested for several DOI programs which help to support the objectives of America the Beautiful including the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program. The budget proposes \$79.7 million in FY 2024 for the Partners program, an increase of \$19.5 million above FY 2023 enacted. The program is authorized by the Partners for Fish and Wildlife Act (16 U.S.C. 3771- 3774) to establish a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

The Partners Program works in all 50 States and territories, to consult with landowners to help them conserve and improve wildlife habitat. Landowner conservation is important because nearly 70 percent of land in the United States is privately owned. Public and private landowners are critical partners in ensuring the health and sustainability of America's fish, wildlife and plant species. Projects are voluntary and customized to meet landowners' needs. Participating landowners continue to own and manage their land while they improve conditions for wildlife.

Many Partners for Fish and Wildlife projects take place on working landscapes such as forests, farms and ranches. FWS efforts focus on areas of conservation concern, such as upland forests, wetlands, native prairies, marshes, rivers and streams and designing projects to benefit Federal trust species including migratory birds, endangered, threatened and at-risk species.

All private landowners interested in restoring wildlife habitat on their land are eligible to participate. Current partners include farmers, ranchers, forest landowners, recreational landowners, corporations, local governments and universities. In addition to private landowners, the program partners with other Federal agencies, State agencies and non-governmental organizations to complete projects on private lands. Participating landowners do not forfeit any property rights and are not required to allow public access.

Another example mentioned at the hearing is the Land and Water Conservation Fund State Grants program managed by the National Park Service, which was permanently reauthorized in the Great American Outdoors Act. The program receives mandatory funding which is allocated annually by Congress through Appropriations. The budget proposes \$305.5 million in FY 2024 for these competitive and formula matching grants to States.

The State grants support the acquisition and development of land and facilities that will provide the public with access to new opportunities to engage in outdoor recreation. Grants to States also provide for continuing State planning efforts to address outdoor recreation needs. Since 1965, more than \$5.2 billion has been apportioned to the States, resulting in the award of over 45,000 grants. States, Tribes, and localities have matched this amount at least dollar-for-dollar, doubling the Federal investment.

This program has successfully allowed States to take greater responsibility for the protection and development of open space and outdoor recreation resources. The Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003), provides funds and authorization for funding to the States in planning, acquisition, and development of needed land and water areas and facilities.

ENVIRONMENTAL PERMITTING

Senator FISCHER. Thank you. Thank you very much. Also, within the President's budget request, it includes one \$171.4 million to increase the environmental permitting capacity of the Fish and Wildlife Service.

And DOI has requested Congress to provide legislative authority for other agencies to transfer funds from the bipartisan infrastructure bill to the Fish and Wildlife Service for Endangered Species Act consultations. I voted for the bipartisan infrastructure bill, and I voted for it to build infrastructure, not to fund Federal Government permitting. And I want to be very, very blunt about this.

I will strongly oppose moving any of those taxpayer dollars from the bipartisan infrastructure bill that we passed on a bipartisan basis to increase any more Federal permitting. I am curious on what actions you have taken to streamline the Endangered Species Act (ESA) consultations to ensure that they are not holding up bipartisan infrastructure dollars.

Secretary HAALAND. Endangered Species Act, yes. Thank you. First of all, we are happy to get back with you on all of the things that you asked us about. We are happy to contact your staff as soon as we get back to the office. The Endangered Species Act, is 50 years old and has been a godsend to so many animals. The animals—you know, what we try to do really is recovery.

We work with communities, people on the ground, local Governments to ensure that we recover species. And we really don't want to lose species. We want to make sure that we are doing the work ahead of time so that they don't get to that level.

Senator FISCHER. Right. But you should not be using bipartisan infrastructure bill dollars in order to do that. That should be, in my opinion, a separate line item for that agency to take care of the Act. So, I see my time is up. If we can follow up with my staff, I would sincerely appreciate.

Secretary HAALAND. Yes, we will. Thank you.
[The information follows:]

STREAMLINING ESA CONSULTATIONS ON BIL PROJECTS

The U.S. Fish and Wildlife Service (FWS) is working diligently to help Federal action agencies advance their BIL and IRA projects on schedule, which includes meeting their statutory ESA section 7 responsibilities in a defensible manner. To handle the large, anticipated increase for Section 7 consultation services, FWS is focused on building the capacity needed to carry out the consultations and environmental reviews to assist agencies consistent with their project schedules. For FY 2024, the President's budget for FWS requests \$171.4 million for planning and consultation activities, an increase of \$50.5 million which would support an increase of 225 FTEs to address the anticipated demand.

FWS is also working to develop funding agreements with BIL-funded agencies. Division J of the BIL authorized the Forest Service (USFS) to transfer funds to the FWS to ensure adequate staff capacity to provide ESA section 7 consultation to support Wildfire Risk Reduction activities. The USFS and FWS developed an inter-agency transfer funding agreement that provides the funds to hire dedicated consultation staff, establishes standard national processes for coordinating on workload and funding needs, and clarifies expectations around deliverables, accountability, reporting, and issue resolution. The dedicated staffing established through this agreement ensures FWS can adequately assist the USFS to deliver on their specific priority projects and implementation schedule. FWS has successfully developed similar funding agreements with the DOI Office of Wildland Fire and the BLM and is actively pursuing other funding agreements with additional BIL-funded agencies.

While authority already exists to enter into reimbursable funding agreements with other BIL-funded agencies, the FY 2024 President's Budget also proposes appropriations language to provide BIL-funded agencies funds transfer authority to support agreements with the FWS to carry out ESA section 7 consultations. This additional authority would help expedite interagency agreements for section 7 activities and minimize processing time and overhead costs as compared to other forms of interagency funding agreements.

FWS is also working to facilitate environmental reviews and consultations by continuing to invest in and enhance a web-based project planning and consultation tool called IPaC (Information Planning and Consultation system). IPaC streamlines the environmental review process. One of the most active public uses for IPaC is to receive an official species list as part of early project planning and design. Through IPaC, Federal agencies or partners can draw a polygon over a specific area in the U.S. and receive a list of all of the federally listed, proposed, and candidate species that may be present in that location. In FY 2022, the IPaC program generated over 103,500 species lists in response to user requests. This online system allows FWS biologists to work in real-time with project managers from other Federal agencies as they review documents and identify areas of concern during the environmental review process.

Additional investments can tailor IPaC functionality to the needs of specific action agencies and greatly streamline consultations on many types of routine predictable agency actions.

Senator FISCHER. Thank you very much. Thank you, Mr. Chair.
Senator MERKLEY. Thank you, Senator Fischer. Senator Peters.

GREAT LAKES RESTORATION INITIATIVE

Senator PETERS. Thank you, Mr. Chairman. Secretary Haaland, it is great to see you here today, and thank you for all of the work that you are doing in a very important position. Secretary, the Great Lakes Restoration Initiative was established in 2009 to accelerate efforts to protect and restore one of the largest systems of fresh water on the surface in the entire world, and that is the Great Lakes.

And as Michiganders, the Great Lakes are not only in our DNA, but are a critical resource for drinking water. In fact, over 40 million people drink water out of the Great Lakes, economic growth as well as job creation. And since 2010, the GLRI has provided over a \$2.9 billion to fund more than 6,000 projects throughout the Great Lakes region, including \$762 million for 880 projects just in Michigan alone.

As one of 16 Great Lakes Restoration Initiative (GLRI) regional working group members, the Department of the Interior awards competitive grants to assist organizations and communities who are taking very creative approaches to improve habitats as well as overall water quality.

So, my question for you, ma'am, is can you speak to how the Department of Interior utilizes GLRI funding to help improve water quality, and in the process will accelerate Great Lakes protection, as well as restoration?

Secretary HAALAND. Thank you very much for the question, Senator. Our bureaus work closely with the Environmental Protection Agency (EPA) as part of the Great Lakes—as part of this initiative. It is an important program for us, and we are grateful that we can partner on those things.

The United States Geological Survey (USGS) work through the Great Lakes Restoration Initiative focuses on research to prevent the establishment of invasive carps in the Great Lakes. And as you mentioned, invasive species is an issue across the country.

Our scientists, the USGS scientists are also leading efforts in the Great Lakes to adaptively manage common reed, improve control of zebra and quagga mussels, and control invasive crayfishes.

So, with our budget, we propose \$104 million for work in the Great Lakes including USGS Research, Fish and Wildlife Service Conservation restoration work, refuges and facility operations and National Park operations.

Senator PETERS. Wonderful. Well, we appreciate your continued focus on that. The other issue that I am particularly interested in discussing with you involves National Park employee wages, specifically looking at them at a more granular level to better reflect the cost of living that they face based on where they may be working.

You know, for instance, employees working at the Sleeping Bear Dunes National Lakeshore, located in Northern Michigan, might be paid a lower rate than those working at a Park Service site, say, in Detroit.

But the cost of living, especially for seasonal workers, is extremely high. So, when I was up there recently visiting you, you have an amazing park facility there. But it is a fairly remote area and the only housing available is immediately around the park. And especially in peak season with tourism, that is prime, prime real estate.

PARK EMPLOYEE HOUSING AND RECRUITMENT

Senator PETERS. And it is difficult for folks to find housing, particularly in Michigan, which is very seasonal as they come up in the summer. Trying to get employees and workers is incredibly difficult given the cost of living just around the confines of the park, that they would have to travel very long distances in order to be there and it causes a real problem.

So, I would hope that the panel will take a closer look and deciding how the pay needs are different depending on park locations and in a more granular level than is currently used, and would hope to get your commitment to look at that and certainly welcome any thoughts you have on how we might approach it.

Secretary HAALAND. Absolutely. Housing is an issue across the country, and in many of our national parks, the gateway communities we know are expensive. And so, we work with partners.

And not only that, but climate change has been an issue as well. Some housing was washed away, quite frankly, at Yellowstone in the last flood they had. So, we are working on the housing issue and we are working to bring people together to figure that out.

But also, I just want to assure you that we have Government wide recruitment and retention incentives available, and those are available to all agencies, and so we are working hard to make sure that we can offer those incentives, those pay incentives to the folks who take these important jobs in those remote areas.

So, we will keep you informed, but appreciate you caring about that. And we know that there are two sides to that, the housing plus the pay, so we are working on both.

Senator PETERS. Right. Good. Good to hear. We will look forward to continuing to work with you as well. National heritage areas have also proven a record of fostering job creation and advancing

economic, cultural, historic, natural, as well as community development.

And in addition to creating jobs, national heritage areas generate valuable revenue for local Governments and help sustain Governments through revitalization efforts, as well as heritage tourism, which is a larger growing industry.

They have enjoyed very long-standing bipartisan support, and through an innovative public, private partnership, NHAs have effectively leveraged Federal resources, attracting on average of \$5.50 of private funding for each dollar appropriated, providing nearly a 6 to 1 return on investments for taxpayers, which is a pretty powerful investment.

Having spent a lot of years in the investment business prior to being in public service, if you tell investor for every dollar you invest, you get six people are usually very happy with that. And Michigan Motor City's national heritage area alone has created an economic impact of nearly \$490 million.

My question for you, Madam Secretary. Last year's passage of the National Heritage Area Act authorizing seven new NHAs, could you speak to the importance of ensuring that this program has the necessary funding to be effective and successful in all of these new areas?

NATIONAL HERITAGE AREAS

Secretary HAALAND. Absolutely. Well, we always appreciate locally driven partnerships and (NHAs) are one way that people invest there, so thank you for that. The 2024 budget maintains funding for NHA's at the 2023 level. It is \$29 million.

The funding includes initial support for the areas established in 2023, at \$150,000 each, and reduces amounts for areas which received more than \$500,000 in 2023. So, we are working to balance out funding. We will support them as much as we can and appreciate your support as well.

Senator PETERS. Thank you, Madam Secretary. Mr. Chairman, thank you.

Senator MERKLEY. Thank you, Senator Peters. Senator Britt.

WARRIOR MET COAL PERMIT

Senator BRITT. Thank you, Mr. Chairman, Ranking Member. Madam Secretary, thank you for being here today and testifying before this committee. Our nation's public lands are an amazing resource and we have a responsibility to manage them effectively.

Effective stewardship, however, does not mean simply closing them off from all humanity. Stewardship of our public lands includes finding appropriate economic development to sustain local businesses and our national economy.

Warrior Met Coal is one of our U.S. companies trying to work with the Federal Government to be a good steward of our public lands. Warrior Met Coal is an important economic driver in the State of Alabama.

They employ 1,000 people and are the largest customer of our port of Mobile. The company focuses on mining met coal. And as you know, met coal is a specific type of coal needed to make spe-

cialty steel used for roads, bridges, automobiles, renewable energy components, and a wide array of other critical uses.

The Department currently has a moratorium on the mining of thermal coal, which is used for energy production. However, we know that met coal is not the same as thermal coal, and the Department of Justice has stated that met coal is not subject to the reinstatement of the Federal coal moratorium.

Warrior Met Coal has had an application with the Department of Interior to develop 24 million tons of met coal on Federal lands right next to their current operations in Tuscaloosa County, Alabama. Warrior Met developed their application in cooperation with the Department, a process they started in 2009 and then restarted in 2014.

They have jumped through every hoop that the Department has asked because they want to make sure that they are good stewards of our public lands. Frustratingly, it has been nearly a year since they have received a substantial update from the Department. We believe that enough is enough.

We find the lack of transparency and communication entirely unacceptable, as do many Alabamians negatively impacted by this bureaucratic stonewall. The only feedback the company has heard is, "the environmental analyst for this application is currently under technical and legal review."

Madam Secretary, how long do you think a complete application should take to review? It would seem to me that this is something that we could commit to finishing in a few weeks, and if not, months.

Secretary HAALAND. Thank you very much for the question, Senator. And I know that these things can be frustrating some time. What I will say that the BLM has made me aware of the importance of this project to you and the State, and I understand that it is under review and ongoing now.

An important part of the BLM's review is ensuring that it is consistent with any and all court decisions, recent court decisions, and so I know that they are working through all of those issues as well.

We are more than happy to make sure that you get updated, that we get in touch with your staff and update you on the status of this project. I wish there was more that I could report now, but as soon as we can, you know, get a firm update, we are happy to get back in touch with you. I know that is not what you want to hear, but we will do our best.

Senator BRITT. Madam Secretary, I appreciate it. And what I hear from you is a commitment to keep me updated on this. I would love to have your senior staff come over and brief me on any problems with the application.

We have a lot of jobs and people who are working to achieve the American dream and all of that is hanging in the balance on this decision and we want to be good stewards of the land. We want to make this work in a way that works with the Department. We are doing our part.

We need you all to do yours. So will you commit to me that you will send senior staff over to brief me on any type of impediments that we are having so that we can find a way to work through those and get this back on track.

Secretary HAALAND. One of my staff will be in touch with your staff very soon and we will figure out a time and day that suits you.

Senator BRITT. Thank you. I very much appreciate that. Completing that application would mean a great deal not only to the hardworking men and women at Warrior Met, but obviously the community and the Port of Mobile and our State, so I appreciate that.

Also, we want to make sure that everyone understands that the status quo just keeps the Chinese Communist Party in control and they produce the same kind of coal with obviously without environmental standards that we have in the U.S., so I think improving this lease would elevate our economy, keep production of this critical met coal in the U.S., and provide a cleaner solution than what we are doing for what they are doing there in China. So, I believe it is a win for everyone.

So, look forward to meeting with your staff and figuring out how we can cut through the red tape. Madam Secretary, I want to flag for you that the Biden Administration's new Waters of the U.S. rule is particularly harmful for the State of Alabama.

This new rule is going to negatively impact over 64,000 small businesses in the great State of Alabama. Did you have a chance to review the rule during the interagency review process?

Secretary HAALAND. Senator, I apologize. I will have to get back with you about that rule, and we are happy to be in touch with you about that.

[The information follows:]

INTERAGENCY REVIEW OF THE WATERS OF THE U.S. RULE

The Department of the Interior Department was provided the opportunity to review the Waters of the United States rule during the rule making process; and did not provide feedback.

Senator BRITT. Okay.

Secretary HAALAND. And noted your opposition to it.

Senator BRITT. Yes. I just, I am hopeful that it wasn't rushed through for political purposes. This has significant impact. Alabama has a lot of private landowners adjacent to public lands.

And as I consistently say, there are no greater stewards of our lands than our farmers, our foresters, and our cattlemen. And when we increase the burdens on these private landowners, we make it hard for them to care for their lands.

And when their lands are harder to steward, I believe it has a negative impact on taking care of our public lands.

So, I hope that you will consider taking a look at this. I would love to have further dialog so that we can make sure that protecting our public lands by defending private landowners from unnecessary burdens that our Government places on them. One last final question, since I have a few more seconds.

I am also concerned about the Biden Administration's consistent opposition to oil and gas. I want you to know that the Green New Deal policies and the foot dragging have downstream impacts for the people of Alabama. Two years ago, a gallon of gasoline in Alabama cost less than two bucks. Since then, prices have risen over 50 percent.

Alabamans depend on affordable gas to get groceries to drive to work, to pick up their kids from school, and to go to church. I hope that you and the rest of this Administration will start considering how the Green New Deal policies are failing the American people. Thank you very much for your time, and I look forward to following up on these important issues.

Secretary HAALAND. Thank you.

Senator TESTER. Senator Van Hollen.

CHESAPEAKE BAY

Senator VAN HOLLEN. Thank you. Thank you, Senator Tester. Madam Secretary, great to see you. Thank you for your service. I know you have got a lot of territory to cover at the Department of Interior of the entire United States, but I don't think you will be surprised that I focus on the Chesapeake Bay watershed.

And when it comes to protecting this national treasure and natural treasure, the EPA has a very important role when it comes to water quality. But the Department of Interior also has important roles through the Fish and Wildlife Service, through the National Park Service, and some of the other agencies.

So, one of the things we created in Congress on a bipartisan basis years ago was the Wild Program under the Fish and Wildlife Service to protect habitat around the Chesapeake Bay and also protect the water quality of the bay.

It was also consistent with President Biden's America the Beautiful plan, protecting 30 percent of our lands. So, Madam Secretary, I will say I was very disappointed, very disappointed that the budget that was submitted by the Biden Administration zeroed out the funding for this program.

It was \$8 million provided by Congress last year. In your budget submission, it was zero. You have given lots of vocal support to protecting the bay, but you are in front of an appropriations committee.

We tend to measure commitment by whether it is backed up by resources and investment. So, could you just talk about that decision and whether you remain committed, nevertheless, to protecting the Chesapeake Bay?

Secretary HAALAND. Thank you very much, Senator. And yes, we are committed to the Chesapeake Bay. Personally, I have been going there since I was a kid, so I completely understand that. It is an important resource.

The ecosystem is important. Our budget includes \$36 million for work in the Chesapeake Bay, including restoration activities and management of parks and refuge lands. And the goals of the Chesapeake WILD are consistent with the Administration's emphasis on locally driven conservation and equitable access to the outdoors. So, we will absolutely continue to make sure that Chesapeake Bay is a priority for us.

Senator VAN HOLLEN. All right, Madam Secretary. I be working within this committee with my colleague, Senator Tester, the chair, the ranking member, and others, and I am confident we will restore it.

But it does not send a good signal about the Department of Interior's commitment to the Chesapeake Bay that that program got

the zeroed out. I understand there are other issues there. I do want to commend you and the National Park Service for the work done by the National Parks Services Office in Annapolis.

We are working here on the Hill to establish a Chesapeake National Recreation area, and the superintendent there and the Department of Interior have provided important technical assistance to our efforts.

Congressman Sarbanes, in the House and I in the Senate, hope to introduce legislation to establish the Chesapeake National Recreation Area in the coming months and look forward to working with you and your team to get that done. Do we have your commitment to work with us on that?

Secretary HAALAND. Absolutely. Yes, we will work with you on everything, Senator.

Senator VAN HOLLEN. Yes. No, I look, I understand the budgets have to go through OMB. I get that. But I was surprised. I just have to say, on the zeroing out the Wild program.

NPS CHEASAPEAKE BAY OFFICE

The other issue regards the Chesapeake Bay office of the National Park Service, because in last year's budget, you provided an increase in that budget to help it with its operations, which also include administering right now what is called the Chesapeake Gateways and Trails Program.

After we passed the budget, that additional increase for the Annapolis National Park Service was not implemented. So, this year, we are going to be working with you and your team to make sure that the increases that are reflected in your own budget are passed on.

And we think this is a priority. So, do we have your commitment to work on that?

Secretary HAALAND. Yes. And the budget for the Chesapeake Bay office in 2024 is \$1.05 million. So, we will make sure that that office gets the—

Senator VAN HOLLEN. Thank you. No, yes, as I said, what happened with last year was the number in the budget was one thing, but when it was actually implemented, that increase for that office did not go through.

So, when we see the number of increase, we really need to make sure that office is funded. They are taking on a lot of responsibility right now. Let me just turn finally to offshore wind deployment. Maryland has a very ambitious offshore wind program, and I shouldn't say ambitious because we are actually implementing it.

OFFSHORE WIND IN MARYLAND

We are going to have two major offshore wind projects which will power, provide power for over 600,000 Maryland homes and is estimated to provide 10,000 jobs. In fact, the Department of Commerce has already been providing grants on apprenticeships and workforce training. This is all very, very real.

So, we want to make sure that we maximize the ability to, you know, catch wind power. There will be issues coming up around the total expanse of area that will be available for wind power. And we

look forward to working with you to try to achieve, make sure we can maximize that.

And I just want your commitment that you will work with us to expand the reach of our wind power operations in Maryland and the mid-Atlantic.

Secretary HAALAND. Absolutely. Yes, we would love to have your support and appreciate it very much.

Senator VAN HOLLEN. Thank you. Thank you and your team. And thank you for your service. And look, on this budget issue, I know you have to make choices, but this is one that we had been led to believe was something that the Department was fully committed to. I know you are, but budgets matter.

Secretary HAALAND. I understand. Thank you.

Senator MERKLEY. Senator Hoeven.

FEDERAL OIL AND GAS LEASE SALES

Senator HOEVEN. Thanks, Mr. Chairman. Secretary, earlier this week, a Federal judge issued a preliminary injunction and ordered the Department of Interior to resume quarterly Federal oil and gas lease sales in North Dakota, Federal District Court judge in North Dakota, finding that the BLM failed to follow the law and hold lease sales in 2021 and 2022. And so, my question to you is, will you commit to complying with the court's ruling and within two weeks provide a schedule of 2023 lease sales for North Dakota on BLM land?

Secretary HAALAND. Thank you for the question, Senator. And I know that ruling was very recent. We are reviewing that ruling and what impact it will have. And of course, we are happy to keep you informed as to how we move forward with that and appreciate it. But we will follow the law.

Senator HOEVEN. So, you commit to complying with their ruling, and will you, within two weeks provide a schedule of 2023 lease sales for North Dakota on BLM lands?

Secretary HAALAND. I can say that we are committed to following the law and we are moving forward with regular onshore lease sales.

Senator HOEVEN. When can we anticipate getting a schedule from you?

Secretary HAALAND. As soon as we get back to my office, I will ask my staff and we are happy to keep you informed.

[The information follows:]

STATUS OF 2023 BLM LEASE SALE SCHEDULE FOR NORTH DAKOTA

The 2023 North Dakota oil and gas leases are scheduled for the following dates:

—2nd Quarter: June 27, 2023

—3rd Quarter: September 12, 2023

—4th Quarter: December 5, 2023

Senator HOEVEN. We would like that schedule so we can inform our people.

Secretary HAALAND. Thank you very much, Senator.

APPROVAL OF PERMITS TO DRILL

Senator HOEVEN. Last week I joined Senator Mullin and others in sending a letter to BLM Director Tracy Stone Manning request-

ing clarification on the bureau's accounting for approval of permits to drill (APD). As you know, BLM recently lowered the number of unused APDs from 9,000 to 6,600.

That puts into question the use of the Biden Administration's using erroneous data as a reason not to follow the statutory requirement for timely lease sales. Gas prices are 41 percent higher nationally than when the President, the current President, took office.

U.S. oil production is down nearly a million barrels a day since the current Administration took office. In general, do you agree that prices are higher for a product when demand is greater than supply?

Secretary HAALAND. Thank you for the question, Senator. I just want to say that on Federal lands, permits are high. There is more production on Federal lands than any time in history, right now.

Senator HOEVEN. Do you agree with Energy Secretary Granholm's call on oil and gas companies to increase production to help minimize harm to American families?

Secretary HAALAND. I appreciate the question. I want you to know that we are moving forward with the permitting. And yes, the permitting count difference was due to a database failure. And since that has been fixed, we still have thousands of permits that are unused. So, production is moving forward at a very high rate.

Senator HOEVEN. Do you acknowledge that you took—first you had a moratorium on production on all Federal lands, then you came back and agreed to only 20 percent of the lands being available, and you increased the royalty rates by 50 percent. Now, do you think that would help increase production or deter production in your opinion?

Secretary HAALAND. What I can say is that production is up. It's at an all-time high.

Senator HOEVEN. So, you think by restricting access, by slowing down permits, and by increasing royalty rates, that increases supply? Now, remember, gas prices are almost 50 percent higher today than when you came into office. And you are telling me that you think those actions helped increase supply, when we are down a million barrels a day in production, domestic production?

Secretary HAALAND. If I could just say, with all due respect, Senator, we are moving the permits through, since I have been in this position. Our office has continually moved permits through and there was a lot of land leased. We are moving those permits through. Those are being processed and production is at an all-time high currently.

ON SHORE OIL AND GAS PRODUCTION

Senator HOEVEN. Do you think restricting access to Federal lands and increasing royalty rates helps or hurts production and supply, which?

Secretary HAALAND. Senator, I really just want to let you know that we are moving those permits through and that production is at an all-time high.

Senator HOEVEN. And that is why production in this country is down a million barrels a day, right, because of what you are telling me.

Secretary HAALAND. The production on Federal lands is not down. It is actually up.

Senator HOEVEN. When you talk about Federal lands, very often out there, there is a split estate. In other words, there is private minerals or minerals owned by non-Federal entities, but also owned by Federal entities.

Because the BLM and other Federal entities are continuing to hold up these leases that disenfranchises the other mineral owners. Do you think that is fair to those mineral owners and what should be done about it?

Secretary HAALAND. Thank you for the question, Senator. I know that creating efficiencies is helpful all the way around. We really want to help solve problems. The BLM's core responsibility is to ensure development on Federal lands is done in compliance with Federal requirements.

We are always going to follow the law. Of course, we want to be helpful where we can, and we will help to solve problems where we can. We are happy to discuss this with you in detail and see how we can work together.

Senator HOEVEN. Do you think it is better for our country to get oil and gas from Federal lands in this country with our environmental standards, or is it better to get it from places like Venezuela, Russia, Middle East, and other places with vastly inferior environmental standards? Where would you prefer that that oil and gas come from?

Secretary HAALAND. Senator, what I can say is that President Biden is dedicated and committed to making sure that we have an energy independent nation.

Senator HOEVEN. But the response to my question, where would you prefer to get that oil and gas?

Secretary HAALAND. As I have mentioned many times, the oil production in this country is up on Federal lands. We are moving those permits through. We are doing our jobs. And I appreciate the question.

Senator HOEVEN. Well, but you do acknowledge that you have restricted access as far as production on Federal lands and you have raised royalty rates. Do you at least acknowledge that?

Secretary HAALAND. We are working to make sure that the work on our public lands is balanced, and we care deeply about the energy future of this country.

Senator HOEVEN. Thank you, Mr. Chair.

TRIBAL PUBLIC SAFETY

Senator TESTER. I want to start by thanking Senator Murkowski and Senator Merkley for having this hearing. I want to thank you for being here, Madam Secretary, and your crack staff. I appreciate you appearing in front of the committee.

Normally I would have to explain this situation but you are a Native American, I think you understand the situation. I am from Montana and I literally hear every week about law-and-order issues on the ground due to lack of officers and due to four facilities. Most recently, it has been the Northern Cheyenne.

But the truth is, it happens in every reservation where we don't have adequate facilities and we certainly don't have enough law en-

forcement officers. I understand the BIA has been working with the Northern Cheyenne tribe to improve public safety. Which, by the way, from my perspective, is a disaster.

Public safety is a disaster. And I appreciate the BIA working, I appreciate you working to try to improve this situation. During a meeting with the tribe in January, BIA committed to doing everything it can to fill the vacant positions, increase community recruitment at the Rocky Mountain Regional Detention Facility, and hire a chief of police. Can you tell me where the BIA stands in fulfilling those commitments?

Secretary HAALAND. Senator, thank you so much for your commitment to tribes as well. And yes, Tribal public safety and law enforcement is probably the most prioritized issues of Tribes across the country. So, we hear about it often and we work very hard to remedy these situations.

The BIA, Office of Justice Services (OJS) team is working closely with the Indian Affairs Office of Human Capital on several strategies to support recruitment and retention. That is really one of the big issues. The foremost strategy is the pay parity initiative, which will bring BIA law enforcement pay levels in line with other Federal law enforcement agencies.

Senator TESTER. And we will get into that in a second. Can you tell me, as per the Northern Cheyenne tribe, where we, from a BIA perspective, are so fulfilling the commitments. And look, Bryan was out there a month or so ago, and I appreciate the fact that he was out there multiple times.

But and I don't have to tell you this because I think you know this, literally every day that goes by without them having the police that they need, people are dying. And it is not just a couple, it is a lot.

Do you know where the BIA is in the commitment to fulfilling the Northern Cheyenne's needs?

Secretary HAALAND. With all due respect, Senator, we will get back with you on those specific details of Northern Cheyenne, but I want you to know that we all care deeply about this.

[The information follows:]

ADDRESSING NORTHERN CHEYENNE'S LAW ENFORCEMENT NEEDS

There are currently 19 filled law enforcement positions at Northern Cheyenne including a newly hired Chief of Police. The Bureau of Indian Affairs' (BIA's) foremost strategy to increase staffing for the highest priority locations like Northern Cheyenne is a pay parity initiative, to bring BIA law enforcement pay levels in line with other Federal law enforcement pay. This change can result in up to an additional \$30,000 in annual pay for BIA law enforcement officers.

BIA is already experiencing public safety attrition rates at roughly half the level experienced this time last year and we believe this trend represents an early signal of the pay initiative's

success. BIA is also working with the DOI Human Capital office and the Office of Personnel Management to explore the possibility of direct hire authorities and is conducting an analysis of hiring data for law enforcement positions for the last 2 years to provide documentary evidence of the need. In addition, BIA is using the Schedule A non-competitive hiring authority for Indian Preference (IP) eligible candidates for recruitment activities during events like the Gathering of Nations. This strategy allows BIA to move forward with interviews during recruiting events for qualified IP candidates.

Senator TESTER. Okay, so, as do. I mean, and then the problem is, this isn't an isolated case. This is a case that continues. If it

isn't Northern Cheyenne, it is going to be Blackfeet, or it is going to be Fort Peck, or it's going to be somebody else. But I think Northern Cheyenne has the most acute problems right now.

So, I would appreciate your attention to this. Now, I want to talk about what you were talking about, and that is your budget in regard to workforce recruitment and retention. You have got about \$641 million in this request, fiscal year 2024 request, \$470 million going to staffing, recruitment, retention efforts, police services, detention and corrections. You put the number in. Is this your number or is this OMB's number?

TRIBAL LAW ENFORCEMENT RECRUITMENT AND RETENTION

Secretary HAALAND. After careful consultation, with OMB, it is our number.

Senator TESTER. So, do you believe that this will adequately put you in a position to be able to not only recruit new officers, but retain the ones you have?

Secretary HAALAND. We think that it will be a good start and a good help. Of course, tribal justice and law enforcement has been underfunded for decades and decades.

Senator TESTER. It has. And we have had crime in Indian Country due to a lot of things, poverty included, that has put us in a situation where it is unacceptable. It is just flat unacceptable.

And I don't care what Administration it is, it is unacceptable. You happen to be Native American. I don't have to explain the situation to you. I would hope that you would put the resources necessary to make sure that we do our level best and make the trust responsible as we have to make sure these tribes are safe.

FORT BELKNAP WATER SETTLEMENT

Let me talk a little bit about Fort Belknap water settlement. It is the last water settlement in Montana. It is almost ready for prime time. It is my understanding that the tribe and the DOI are ironing out details now.

The notch has been removed. And I know that was not an easy decision and probably not a popular decision in Fort Belknap. But because of that, they were able to get Senator Daines and Phillips County on board.

I believe that is true. That is what my notes tell me. I haven't been told that directly. If that is the case, I think there is a real possibility that this bill can pass and we can finish the last water settlement we have for Montana.

I don't think this is going to happen without somebody like you in your position as Secretary of interior intervening and making this a priority. It has been waiting a long time. I voted and we passed the Blackfeet water settlement when I was in the State legislature 20 years ago. We are still working on it at the Federal level now.

So, can I get your commitment that you will do your best to make sure this is a top priority for not only the Department but for you to get this water settlement approved?

Secretary HAALAND. Yes.

Senator TESTER. That is an easy answer. Thank you very much. I have only got 44 seconds left, and if I got into what happened at

the park last year, it is just going to require a lot of resources. And I would say this as long as I got 30 seconds left, the disasters that are being caused by climate this year is just absolutely devastating in. And I am going to tell you that that one incident in Gardner was \$1 billion.

And I don't know if that is a conservative figure or not. And so, and we have got another year coming now where we going to have the snow starting to melt as we speak, as spring and summer comes on, but resiliency is really important. And I know you know that. And we have got to do everything we can. Last thing I would say is, St Mary's project is important.

They had a study for ability to pay it. It came back, said they had no ability to pay. I would hope that you continue to look at that project too, along with Fort Belknap project because they are connected, so we can get these projects done in Montana. Thank you very much, Mr. Chairman. Thank you, Madam Secretary.

Secretary HAALAND. Thank you, Senator.

ENDANGERED SPECIES LISTING

Senator MERKLEY. Thank you, Senator Tester. And Madam Secretary, about ten miles from my house, there is a Maya Lin designed bird blind on the Columbia River, where Lewis and Clark camped. And that bird blind is constructed so that as you are inside of it, you really can't see out.

But what you do see is on the slats of the bird blind, it has the species that were recorded in Lewis and Clark's journal and then it says whether they are endangered or whether they are extinct. And it is really quite stunning to think that in the very modest amount of time since Lewis and Clark came to the region, how many species that they saw have become endangered or extinct.

And we know that's an ongoing process. And climate chaos is aggravating it even more, along with the development of our industrialized world. The Endangered Species Act is an effort not just to focus on a species, but on an ecosystem that supports that species.

And your budget for the Fish and Wildlife Service includes \$133 million for the recovery and listing of species, or \$15 million more than fiscal year 2023.

Funding is used to minimize or remove threats that led to species listing in the first place. Can you explain how the proposed funding level would be used to address the extinction crisis?

Secretary HAALAND. Senator, thank you—or, Chairman, thank you so much for the question. As you probably know, the ESA is 50 years old this year, and we are very proud of the work that we have been able to do to protect species. One of the main things, of course, is recovering so that the species don't have to be listed.

Since the ESA became law in 1973, more than 99 percent of species listed under law are still with us today, so that is something to be proud of. The budget includes a \$19 million increase for recovery planning, monitoring, and management in close coordination with service partners.

And Fish and Wildlife Service's Recovery Program works with partners to address threats to the species and improve their status so that protection under the Act is no longer necessary. So, we rec-

ognize this. It is a priority for us, and we will continue to work on it.

Senator MERKLEY. Thank you. And I think if I had a magic wand, I would, you know, throw a couple more billion dollars into these key ecosystems that are threatened. But I don't have a magic wand. But we do have a collaborative process to point out the challenges. And one of those challenges is to insects.

And I have told many people the story of how when I was a kid and we would drive North and South through the Willamette Valley, we would stop at every gas station to take all the insects off our windshield. And that now if there is a single insect in the windshield, it is rare.

MONARCH BUTTERFLIES

And I was really struck by a letter to the editor in a newspaper last week that told exactly the same story from another individual about how insects have vastly disappeared. And one of those insects that you and I have been engaged in, it is such a charismatic species, is the monarch butterfly.

And can I just tell you I really love your earrings today that represent the monarch and that the Department of Interior, under your leadership was so helpful in holding a monarch summit to bring together the scientists, all the collaborators on what is going on there.

We were down for the Western monarch in 2022, less than 2,000 surviving butterflies, which is incredible. When we were talking about many, many millions in the 80s and 90, just 2,000.

But they have rebounded in the last few years. When they have a good year, they can rebound, but they are still 90 percent down from the historic numbers. And I am waiting to get a report now on the freak snowstorms that hit the coast in California because they may have dramatically devastated once again the overwintering butterflies.

Those overwintering butterflies cannot survive in cold weather and so they hover along the coast to get more temperate air, to be less likely to freeze. But a snowstorm, well, that doesn't belong in Southern California, and it certainly could have devastated them once again.

So, they are deeply endangered, but they are not recognized as endangered. Is it possible for us to—well, I know there is a long list of species that are under consideration, but is it possible for us to get the monarch into kind of the top of the list for consideration?

Secretary HAALAND. Thank you, Chairman. I don't think there is any person in this world that doesn't care about monarchs.

So, you have a whole Department who really understands the value of these beautiful butterflies, and so we absolutely will work with partners to enhance the inventory, monitoring of these pollinator populations across the national wildlife refuge systems. That is where we can really give monarchs and other insects and species opportunities to flourish.

Senator MERKLEY. Thank you. Because I know there's hundreds of things under study, but sometimes the dramatic change is so evident.

And when you go from millions down to just 2,000 butterflies and have an overwintering population that a freak storm could devastate the remaining population because—it is just like, they need to be put at the top of the list for consideration of being labeled as endangered. And there is so much we learn from studying their migration and the impacts along the way.

There was \$7 million in the last appropriation bill for the Western monarchs and other pollinators. Can we ensure that the National Fish and Wildlife Foundation (NFWF), collaborative model continues its momentum?

Secretary HAALAND. Yes, Senator, we will do whatever we can.

Senator MERKLEY. Okay. There is a lot of power in that and the ability. I have used up my entire seven minutes on the monarch, which I am proud to do, because can you imagine the next generation of children growing up that never see a monarch? And actually, right now in Oregon, it is extremely rare to see one.

And so, this is kind of a last ditch five alarm fire, but I have a lot more questions to come following my colleague and partner, Senator Murkowski.

ALASKA NATIVE VIETNAM VETS ALLOTMENT PROGRAM

Senator MURKOWSKI. Thank you, Mr. Chairman. Madam Secretary let's talk about the Alaska Native Vietnam Vets Allotment Program. This is something that is also very challenging. You certainly have a legal obligation to Alaska Native Vietnam era vets to ensure their allotment applications are completed in a timely and an efficient manner.

And I am really concerned about where we are in the process. There have been different iterations, different ways to try to advance this, but I am really concerned that right now BLM, BIA don't have the capacity to meet this task. The program expires in December 29th of 2025.

That is actually not that far away. And we are in a place right now where potentially about 2,900 applications could be received. I know for a fact that there is over 500 in the Southeast region down in the Tongas. That are not participating because they don't feel that there are lands that are accessible to them.

So, excuse me, right now, eight, eight veterans have received their allotment under the program. In fiscal year 2023, we got almost \$5 million to implement the program and you are continuing this funding level for fiscal year 2024.

But how are we going to do it? How are we going to do it? How can you assure me that not only we have the resources, but what are the nonmonetary challenges that BLM is facing? Thank you. Please go ahead.

Secretary HAALAND. Thank you, Senator. And yes, we are working very hard on this issue as you know, there's roughly 29 million acres of public lands for selection. We recognize that some lands are were not included in the law.

So, it is unfortunate for those veterans who want lands in areas where they weren't included. So as of March, the BLM received 266 Alaska native, Vietnam era veterans' allotment program applications. A lot of the veterans who were eligible, we didn't have the

right contact information. We reached out to Veterans Affairs. They are helping us with that.

So, we are doing what we can to make sure that all veterans have this opportunity. And I just want to assure you that it is a priority for me. It is a priority for the BLM. And we will continue to work on this as quickly as we possibly can. I think that part of the issue was that we weren't able to reach them all, but we found some help with Veterans Affairs, so we feel like, you know, it is an all of Government approach.

Senator MURKOWSKI. Well, and Madam Secretary, if I may, because I was at that roundtable with Secretary McDonough. Senator Sullivan had brought together a group of Vietnam veterans and they had the Secretary of the VA in front of them. They could have talked about anything.

They could have talked about health care, they could have talked about housing, education. But all they talked about was the injustice that they felt in having been denied their native allotment and a fear that they were dying off, they were leaving this earth before the promise was going to be kept to them.

And so, I think I think it actually motivated the Secretary to see what more he could do in his capacity, so I am glad to know that he visited with you and he shared a follow-on call with me and said he discussed this with you. We need to identify.

But when you say, yes, there is 29 million acres that have been made available. When you are in a State that is one fifth the size of the United States of America, and you tell a native veteran and in Hoonah that they are able to select lands up in the interior, it may as well be telling them that they can select lands in Iceland.

It is just not feasible and not possible. So. I am deeply frustrated because even with the good intentions of those who want to see these allotments move, advancing eight through this process out of a potentially close to 3,000 it doesn't work. It doesn't work for the veterans. It doesn't work for any.

And so, we have so much more to do. I think, you know, that the answer is going to be making more lands accessible in areas where our veterans are. And that is going to require some cooperation with the Department of Interior. So, I am just asking you to keep your foot on the gas with this on because these honored veterans are passing every day. I want to ask about the tribal LWCF fund that you mentioned.

TRIBAL LAND AND WATER CONSERVATION FUND PROGRAM

You are proposing an additional 12 million in discretionary spending for land and water conservation under a new fund for tribal land acquisition. What I don't understand on this is why Department of Interior did not propose this under the mandatory \$900 million from the Great American Outdoors Act, and kind of what the plan is for this.

This is the first time that I have heard about it was in this budget presentation, so I am not quite sure why it was such a big priority, why it wasn't incorporated in the LWCF initially, maybe as a tribal set aside. But now you are adding \$12 million on top of a \$900 million mandatory spending.

Secretary HAALAND. Senator, thank you so much for the question. And so, of course, we have done more tribal consultation in this Administration than likely for a very long time. This is something that tribes spoke with us about.

It is important for them to have a dedicated program, and it is carved out of discretionary funding to avoid competition between new and established programs. The funds will support tribal acquisition of lands for conservation and outdoor recreation consistent with the purposes of LWCF.

I mean, I apologize. I don't know of the precise reasons why it was done this way. Of course, we are happy to be in touch with your office with complete details about how this came about and what the thinking was behind all of it.

[The information follows:]

FY 2024 TRIBAL LWCF PROGRAM PROPOSAL

The FY 2024 budget for the Bureau of Indian Affairs includes \$12.0 million in discretionary unobligated LWCF funds to establish a new Tribal Land and Water Conservation Fund (LWCF) land acquisition program. During LWCF listening sessions with Tribes held in 2022 and in ongoing meetings of Interior's Tribal Budget Council, Tribes have identified direct access to LWCF funding for conservation and recreation LWCF projects without the existing requirements to partner with or apply through States, as a top funding priority.

For this reason, the President's 2024 budget request proposes to fund this new program with discretionary funding which allows for full consideration of the importance of Tribal inclusion in the LWCF without concern for the potential impact on funding for the established LWCF programs. Including Tribes in LWCF as direct applicants for funding is a meaningful opportunity to not only strengthen conservation and outdoor recreation opportunities in Indian Country but to demonstrate the Administration's strong commitment to Tribal sovereignty and self-determination. This new program will further enhance the ability of Tribes to address the climate crisis, support Tribal sovereignty and self-determination, and provide another important tool to support Tribal co-stewardship.

With regard to the structure of this program, the Department expects BIA would award the funding competitively for land acquisition projects or easements which advance conservation and outdoor recreation on Tribal lands. The bureau is working to hold Tribal consultation this Fall on the proposed structure of the program as well as the criteria and program requirements.

Senator MURKOWSKI. Well, my time is expired, but know that we do want to follow up with you on this. I am just not certain that there is a plan there with the distribution and what the process would be, how you are identifying willing sellers and the like. So, we will need to do some follow up. Thank you, Mr. Chairman.

MONARCH BUTTERFLY

Senator MERKLEY. Madam Secretary, back to monarchs for just a moment. One of the things that came out of that gathering of the summit that we held was that families want to plant pollinator safe plants in their gardens.

But when they go to the nursery, most of those plants you buy in a nursery carry such a heavy level of pesticide on them that they are not safe for the pollinators and could actually kill them. And it's also true for the milkweed.

And so, one of the goals was to develop a program that would provide labeling so you have pollinator safe according to certain standards that have been raised without pesticides, that remain on the plants and would be deadly to bees and butterflies and so forth.

Has there been much progress in actually implementing a program for pollinators safe labeling?

Secretary HAALAND. Senator, I love that idea, and I will have to get back with you as to how that is coming along.

[The information follows:]

POLLINATOR SAFE LABELING

Interior supports efforts to encourage the use of plants that are safe for wildlife, including those safe for pollinators as well as for invertebrate communities, many of which are necessary for healthy soil and water. This issue—the availability of trusted labels around pollinator-friendly plants—is important to many Americans and is frequently raised in many venues, including the Monarch Butterfly Conservation Summit last summer.

Interior does not exercise broad labeling authority to regulate the sale of plants as “pollinator friendly.” While we do have some authorities to regulate impacts on protected species, we do not have regulations to manage an overall plant labeling program more generally for wildlife. The U.S. Fish and Wildlife Service is using its newly established Center for Pollinator Conservation to engage other influential partners or agencies with authorities to determine potential avenues to implement credible pollinator friendly labeling practices. This topic will be the subject of a virtual workshop series the Center is currently planning and will be hosting this summer.

Senator MERKLEY. Thank you. There are two routes to doing this. One is kind of a voluntary effort through the Xerces Society, but the other is for us to have a regulation that says you can label these plants pollinators safe if they have been raised in this manner. And people are just, families they want to plant pollinator gardens. And it is not just, you know, I am using the monarch, but we are really talking about honeybees, all kinds of pollinators that are important. So, I will follow up with you on that. Thank you. Turning to staffing in the National Park Service.

NATIONAL PARK SERVICE STAFFING

Of the 10,000 employees of the Department lost between the decades 2010 to 2020, 23,000 of those were in the National Park Service. And last year we were able to restore about 500 of those positions. How is progress going on hiring for those positions?

Secretary HAALAND. We are so appreciative of your support for this and we are with you. We know it’s important. So, the 2023 funding increases will support permanent long-term staffing for on-going park operations.

Funding is helping NPS to staff new and critical responsibilities of parks. Birmingham Civil Rights and Freedom Riders National monuments, a major national historic site.

I mean, we are moving forward with it and appreciate if you would like, we are happy to give you a readout on where, you know, where these staff are and how we have been able to build them.

PARK EMPLOYEE HOUSING

Senator MERKLEY. Thank you. It is an incredible national parks system, but it only works if we have people staffing it. And one of the things I am hearing is about the housing crisis, that so many accommodations that might have been available for people to work for the National Park Service and live in are now Airbnbs.

And so essentially, folks are turning down jobs even at Yosemite, the crown jewel of the park system, people are turning down the opportunity to work there because there is no place to live.

Your fiscal year 2024 request includes an increase of \$7 million to improve housing construction, nearly doubling the program, and to upgrade housing at a number of sites, Mesa Verde, Chaco Culture National Historic Park, Great Sand Dunes—but it is housing across the system that is a challenge. Will this funding make a difference?

Secretary HAALAND. Yes, absolutely. It will make a big difference. The \$7 million increase, as you mentioned, will address housing needs in Mammoth Cave, Sequoia, Kings Canyon and Rocky Mountains National Parks. And we are using \$32.7 million in construction and Legacy Restoration Funding to rehabilitate the housing at Mesa Verde, Chaco Culture, Great Sand Dunes, etcetera.

We are also leveraging private sector leasing for seasonal housing. The National Park Service will use \$2 million provided in 2023. As of February, parks hope to add more than 100 beds with this particular funding. We are working with partners to find solutions. At Acadia National Park, for example, we are leveraging \$5 million in partner donations with Centennial Challenge funds to construct new seasonal employee housing for the park.

Senator MERKLEY. It is essential. People can't take jobs if they can't afford a place to live. Turning to the Great American Outdoors Act, it provided \$1.9 billion for the legacy restoration funding, for deferred maintenance on our public lands, and at the Bureau of Indian Education Schools.

GAOA: LEGACY RESTORATION FUND

And we are finding that the costs have gone way up and a number of projects are over budget. We know that there is a lot of upheaval in the markets, an upheaval in our supply chains. This is happening in every area where construction is involved.

And our teams worked together to provide a contingency fund to help cover that challenge. But digging a little deeper on this, can you share a little bit about the factors that are causing the cost estimates to go up beyond the original estimates?

Secretary HAALAND. Thank you for the question. And so, what our bureaus are seeing is a more competitive bidding climate, and sometimes we don't receive any bids for the work that we need done, so we have to re-compete those bids. It costs more. There is problem in remote areas.

Sometimes there are not the folks you need to do the work. We have a lot of specialized needs with a lot of really unique assets, and sometimes we don't find the specialized people to, or materials, for example, to work on those projects.

There has also been an increased cost of construction materials that is actually outpacing inflation. There are a lot of price swings. And so, we are working through a lot to try to keep these projects on track. And so, we will just keep working at it.

Senator MERKLEY. You know, it is clear that the purchasing power of the strategy has diminished significantly. And it is frustrating, which is just a reality of the market. Do you support ex-

tending the Legacy Restoration Fund for at least another 5 years given the backlog of projects that need to be accomplished?

Secretary HAALAND. We love the Legacy Restoration Fund. So, yes, we would love to see it continue to do the work that it does for so many areas in our country.

Senator MERKLEY. Thank you. Senator Capito.

SECTION 7 CONSULTATIONS

Senator CAPITO. Thank you, Mr. Chairman. And welcome to the committee. I have a question on Fish and Wildlife. Our Fish and Wildlife office in West Virginia has brought on just recently a number of new biologists mostly through reimbursable agreements, to help with the backlog of the Endangered Species Act Section 7 consultations.

It has been helpful, but what I am really looking for is some substantive feedback on how we can improve the Section 7 process, minimize project delays. We are just getting a lot of complaints consistently in our State.

So, in a reaction to this, I was able to put into the appropriations bill, a fiscal year 2023 bill that would direct the Fish and Wildlife Service to report to Congressional committees within 90 days on the Section 7 consultation and provide recommendations on ways to improve and expedite the process.

Trying to get rid of the backlog because there is a big backlog there. And so, we are right at the time of this around the deadline. So, I wondered when we could expect to see this report, and can you shed some light on some of those recommendations made to improve those consultations?

Secretary HAALAND. Thank you so much, Senator. I mean, we will get back with your office about when to expect that. But please know that the Fish and Wildlife Service is making the most of limited staffing, funding, and other resources for the Section 7 and other reviews.

Our budget request includes a proposal to authorize agencies to transfer Bipartisan Infrastructure Law (BIL) funding to support this Fish and Wildlife staffing needs. So, we are working on this issue and happy to report back to you as soon as we have some—well, they might have specific details. Unfortunately, I don't have those specific details in front of me right now.

Senator CAPITO. Okay. We will follow up. We will follow up with them. I am curious to know, I know I mentioned that we have a lot of frustrations in our State. Is this a nationwide problem with the backlog? I am assuming that it is, but and the process taking so long and project delays.

Secretary HAALAND. Senator, with all due respect, they reminded me that the goal for the report is today.

Senator CAPITO. Right. So, it will come out today.

Secretary HAALAND. Yes, that is our goal. It is today, so hopefully we can make sure that is in your hands before the end of the day.

Senator CAPITO. Okay. Perfect.

Secretary HAALAND. Okay. Thank you. I apologize.

Senator CAPITO. So, in response to is it a nationwide issue, you are hearing this from other States with the backlog?

Secretary HAALAND. I am not certain. Of course, I will get back with Fish and Wildlife Service and make sure that they can provide you with that specific—

Senator CAPITO. I would like to say the Director of Fish and Wildlife, in response to my concern, did come to the State with me to try to establish better communications, and I am very appreciative of that. It has resulted in slightly better communications, not so much with my office, but with whatever the stakeholder is, is who is interested in trying to move together project.

ABANDONED MINE LAND ECONOMIC REVITALIZAION

So please pass that along to her. Let me ask you about another program, the Abandoned Mine Land Economic Revitalization, is called AMLER Program. It administers grants to, this is reading from your statement to six States, three tribal nations to return legacy coal mining sites to productive uses and foster economic and community development.

You have made through the AMLER program \$750 million available to coal communities, obviously critical in my State, and we have taken advantage of the AMLER program.

There has been here, and this goes to the bureaucracy as well, kind of a moving of the football of what the parameters of this program are, so that there been delays in getting monies that have been approved by the Governor, because I do believe it has to go through the Governor for the Governor's approval for certain projects.

And because of that, I guess I would just ask that the takeaway from my comments are, that the consistency on what is required, what qualifies as a Coal community—you know, we had a trail in one of our State forests, the back side of it was where the abandoned coal mine lay in what seemed like a lay-up to me.

I mean, you know, the conservation project. It is great wild use of recreation. It is also an economic generator because a lot of people will go and come and visit. So, you know, there was a lot of communication issues.

So, I would just ask, in particular on the AMLER program that maybe leaving here, you might take a look to make sure that the guidance is consistent from year to year so that people can know what they are applying for and how to make their applications successful.

Secretary HAALAND. Absolutely. We want the program to work. And you are right, your State is perfect for these projects.

Senator CAPITO. All right. Thank you.

WESTERN OREGON OPERATING PLAN

Senator MERKLEY. Senator, you bring up a topic and you get the report the same day. I need some of that. Thank you for demonstrating how that is done. Madam Secretary, I want to turn to the Western Oregon operating plan (WOOP), as it is referred to, and this is a plan that coordinates the approach to wildfire response, coordinated between the State, the tribes, the communities, the Bureau of Land Management.

And we have this incredibly complex checkerboard that was established when every other square mile was essentially designated

to the railroads and etcetera, etcetera. And it is no way to design a landscape for management and so requires this sort of cooperation.

And after you have been to Oregon, I know you have heard and seen what we face in Western Oregon and the concerns of the constituents. The key is that we maintain this agreement, when it comes up for renewal in 2024 and we have heard some concerns that BLM may not be that excited about this agreement.

But given the checkerboard lands and the need for collaboration on the wildfire front, to me it is essential and you may have gotten a better sense of it from your trip. Are you familiar with the WOOP? And can we count on your support to reauthorize it in 2024?

Secretary HAALAND. Mr. Chairman from meetings we had in Oregon, we absolutely know that these fire partnerships are a key success to Western Oregon and to the entire State, quite frankly. BLM is confident that they will find an agreement with the State. I trust that they will, and so we will absolutely keep working at it.

Senator MERKLEY. Thank you. I will continue to be in dialog with you all about it. And speaking of fire, one of our highest risk fire sheds, actually, the highest risk is the Rogue Valley in Oregon, and it is affected by this checkerboard. And most of the forest land is not Department of Forestry, but it is BLM land.

And so, we need to really reduce the risk of fire and that means directing resources to do forest management, reducing the fuels on the forest floor. The combination of thinning and prescribed burns and mowing.

And we had a significant amount of hazardous fuels funding in the annual appropriations, but also in the Bipartisan Infrastructure Act for high-risk fire sheds. I want to make sure that a significant share of these funds goes as intended to help out the Rogue Valley. Can we count on that happening?

Secretary HAALAND. Yes, Senator. And so, if I may, they are providing close to \$1 million in BIL funding this year for Jackson, Josephine, and Curry Counties.

Senator MERKLEY. I will follow up with you in that regard, because I don't have the specific numbers with me for the need.

Secretary HAALAND. Yes.

Senator MERKLEY. But it is a big deal. And, after having seen the Labor Day fires of 2020 and town after town burned to the ground, this is in everyone's mind about the risk and the need for intense collaboration. That is where the WOOP comes in, and that is where this funding comes in to be directed to these efforts. Okay, fish passage. Very important to fish passage in the Pacific Northwest is the Fisheries Restoration and Irrigation Mitigation Act (FRIMA).

It is a cooperative partnership between, again, like WOOP, between the Federal Government, local, State, and tribal entities, and they work to design and implement, construct fish screens and fish passage strategies, solving the problem, the culverts put on many of our streams.

And for the first time, we provided \$5 million specifically for FRIMA activities. And I want to make sure it does not get lost in

a larger funding pot. Can you give me an update on the FRIMA funding?

Secretary HAALAND. Thank you very much, Chairman. The Fish and Wildlife Service will publish a notice of funding opportunity to award the funds through grants. The notice will detail eligibility, project criteria, and so forth, and requirements for the selection process.

And the Fish and Wildlife Service will also work directly with the five eligible States and tribal representatives and encourage partner outreach to develop project submissions. The awards will be determined by a panel of subject matter experts. That is moving forward, and we care about it.

FISH HATCHERIES

Senator MERKLEY. That is great. Thank you. And my last question is related to the opportunity we had to visit the Gone Fishin' Hatchery, known formally as the Klamath Falls National Fish Hatchery, and we were able to hold in our hands both the c'waam and koptu fish.

And those two species were like the core of the diet that supported the tribes from time immemorial, but they have not been able to harvest any since before the turn of the last century because they are so endangered.

And a few years ago, I held a sucker summit. These are, in the English vernacular, they are suckers, sucker fish. And we held a conference to talk about these two species and how are we going to save them, because what we heard was that the youngest fish left in the lake were 25 to 30 years old and that the life span is only 30 years.

And I had no idea their lifespan was that long and had no idea that the youngest were that near extinction. And so, we launched this hatchery as well as a Klamath Tribe hatchery, two separate projects. And you and I were able to visit the one.

And I must say I was so excited about that stop, because initially when the hatchery produced year old fish and we put them back in the lake, they all died, and they were dying because the algae is growing in the warmer, phosphorous polluted water and when it dies it strips the oxygen out of the lake, and then a second species of algae takes the nitrogen from the first species, and then that is a toxic algae.

So older fish could survive, younger fish could not. And then we tried two-year-olds and basically almost all of them died. But what we just saw was that some of the three-year-olds, two and three year olds are starting to survive in the lake, which is great.

KLAMATH ECOSYSTEM

While we go under many decades of trying to clean up the lake and the phosphorus in it and address the algae problem, but also that they had three-year-old fish now at the hatchery, and technically it is not yet a hatchery, they are catching the minnows or the newly formed farmed fish and taking them to the fishing basins. But they said by the time they reach 5 years, they will have a reserve population that will be able to harvest the eggs and actually turn it into a hatchery.

And it is like we may save these two fish because of this collaborative effort launched over the last couple of years. So that is going to be an extraordinary story if this succeeds. And it was the first time I heard, like we may have acted in time, barely in time. Could you comment on the importance of these investments and saving these fish?

Secretary HAALAND. Absolutely. Chairman, thank you. I was equally as moved by that stop that we made, and, gosh, no amount of money could ever bring those fish back.

Senator MERKLEY. Yes. Once we lose them there, they are gone. And we know how hard it is to get the phosphorus out of the lake. We have had local engineering students who have developed basically sunlight powered, photovoltaic powered rafts that put oxygen back into the lake. That didn't actually seem to work.

And we explored and are continuing to explore ways to try to remove the algae and with removing the algae, remove the phosphorus in the algae to try to reduce the phosphorus load in the lake.

That proves to be extraordinarily difficult. We don't have a strategy there yet. But if we can raise older fish and get those older fish that can survive in the lake in while we continue to work on the phosphorus loading over the decades to come, we have a shot at reversing a near extinction event.

Secretary HAALAND. Yes. And we have many dedicated career staff to move those issues along. I mean, for some of these things, it is every tool in the toolbox, right. And we are not going to turn down any good ideas.

So, we have to continually explore ways that we can protect these ecosystems, because that is the way we protect these species.

Senator MERKLEY. Madam Secretary, thank you. The diversity of topics that have been raised today demonstrate what an enormous range of issues are inherent in the management of the Interior Department that you are living and breathing every day. So, thank you for addressing them. So many offers to follow up on details. I believe my colleague is not returning. We are wrapping up. Okay. It is a pleasure to work with Senator Murkowski.

Two States in the West that have different perspectives on some key issues as reflected by our opening statements, but we are just engaged in a lot of collaboration on our public lands and the work of the Interior Department.

ADDITIONAL COMMITTEE QUESTIONS

So, thank you. And the hearing record will remain open to the close of business on April 19th. If there are no further comments, this hearing is adjourned.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

Question. Secretary Haaland, I understand that the Forest Service was able to achieve 97 percent of its staffing target for firefighters (GS-09 and below), perhaps due in part to salary increases in the bipartisan infrastructure law.

Secretary Haaland, was the Department of the Interior able to achieve full firefighter staffing last year, both nationwide and in California specifically? What are the current wildland firefighter staffing levels nationwide and in California specifically?

Answer. The Department of the Interior achieved 98 percent of our 2022 wildland fire hiring target nationwide. The Department employed more than 5,460 personnel,

including firefighters and support personnel. In California, the Department employed more than 580 wildland fire personnel during 2022, compared to a target of 639.

As of the end of May 2023, the Department had 4,145 total Federal wildland fire personnel nationwide. Considering the number of temporary and permanent seasonal employees within the wildland fire management program, who are typically hired in early summer, we expect to reach peak employment in July. Our target is to reach a total of 5,800 personnel over the course of the year.

In California, as of the end of May, the Department employed more than 400 wildland fire personnel. The target for California this year is about 670 personnel.

Question. Recent Department of Interior appropriations have provided significant increases for efforts to manage wild horses and burros across the West, doubling the funding in the past five years. Nevertheless, humane management of these wild horse herds remains a problem, with the size of these herds impacting the native landscape and the health of the horses themselves. Based on a model developed by the Bureau of Land Management, PopEquus, fertility control measures are the most cost-effective ways to keep herd sizes at an appropriate level once the herd has been condensed to the Appropriate Management Level. However, the vast majority of the budget for the Wild Horse and Burro Program still goes toward removal of horses from public lands and upkeep of those horses.

Secretary Haaland, how much of the funding allocated for the Wild Horse and Burro program has gone toward cost-effective fertility control measures?

Answer. Over the last five years, the BLM has spent approximately \$2.8 million directly on fertility control treatments. Additionally, the BLM spent approximately \$4.2 million on capture and handling costs needed to conduct those treatments, and over \$3.5 million on new research related to advancing humane and longer-lasting fertility control methods for wild horses and burros.

Population growth suppression methods, including fertility control treatments, are most effective once a herd management area is at its appropriate management level (AML), though the Bureau considers fertility control efforts as vital to helping curb the previously compounding growth rate. In FY 2022, only 37 out of 177 Herd Management Areas were at AML. The removal of excess animals from overpopulated herds is a valuable tool to minimize threats to the health of our public rangelands from overgrazing, as well as for preventing risks of starvation and thirst for wild horses, burros, and other wildlife. The program continues to maximize humane care and opportunities for private care placement of these excess animals through adoptions, sales, and transfers as a way to manage off-range costs over time.

QUESTIONS SUBMITTED BY SENATOR CHRIS VAN HOLLEN

Question. The Great American Outdoors Act permanently authorized funding to the Land and Water Conservation Fund to support our efforts to conserve lands and improve outdoor recreation opportunities across the Nation. Unfortunately, I understand that the appraisal process remains lengthy, with delays and complexities that can risk the loss of critical conservation opportunities.

Can you provide details on the agency's efforts to address this problem?

Answer. The Department is committed to the Land and Water Conservation Fund (LWCF) programs and has taken strong action to improve the efficiency and effectiveness of Interior's land acquisition functions which are fundamental to implementing the LWCF.

Interior has established a Department-wide Land Acquisition Working Group (working group) of realty specialists, appraisers, attorneys, and program officers, focused on making improvements in key areas impacting Interior's Federal land acquisition and appraisal processes. The working group is actively addressing issues identified in the FY 2023 Consolidated Appropriations Bill, P.L. 117-328, to improve uniform Departmental appraisal policies, utilizing third-party contracting, clarifying the roles and responsibilities of Federal and non-Federal parties' as well as evaluating options for returning some appraisal or valuation functions to the bureaus.

A two-day session is planned this Spring (May 23-24) to expressly discuss options for returning appraisal functions currently managed by Interior's Appraisal and Valuation Services Office (AVSO), to interested bureaus. On this subject, the working groups' initial efforts focused on identifying issues most likely to result in operational efficiencies; and tackling those with the potential for nearer-term benefits first. This included evaluating options to raise the current \$25,000 threshold ceiling to waive the need for an appraisal allowed in the Uniform Act regulations, up to \$400,000 with the landowner's approval. Increasing the waiver valuation threshold

will allow bureaus greater flexibility to conduct waiver valuations for more of their land acquisition needs without requiring appraisals for uncomplicated cases.

The working group initiated a discussion with the Federal Highway Administration (FHWA) which has jurisdiction over this requirement. FHWA has proposed a new rule to raise the threshold to \$50,000 which could make 14% of Interior land acquisitions eligible for an acquisition waiver. A change in the waiver threshold should help to reduce processing times since more than 50% of the overall valuation time is taken up by the appraisal itself and another 17% is consumed by contracting. For simple, low risk acquisitions under the threshold, it could cut valuation processing time by approximately 67%. AVSO supports an increased use of waiver valuations as allowed by regulation and currently provides training to bureau realty staff in conducting waiver valuations.

The working group has also identified policies and procedures that need to be modified, clarified, or rescinded including a 1995 policy memo issued by the Assistant Secretary, Policy, Management, and Budget that addresses the roles of non-Federal parties in Department of the Interior land acquisition. As part of this work, Interior's land acquisition working group reached an initial agreement that when appraisals are paid for by non-Federal parties, bureaus can request the non-Federal party be named as an intended user of the appraisal report and AVSO will execute such requests. Interior will memorialize its final decision and other related operational changes in the form of a new policy memo that defines guidelines for real estate transactions involving non-Federal parties.

The Department is also taking action to strengthen Interior's appraisal capacity including realigning appraisal operations on a regional basis to improve efficiency and service. With the help of Special Pay Rate authority for appraisers provided in the FY 2022 and FY 2023 Interior Appropriations bills, as of May 2023, AVSO increased the number of appraisers on-board 22 percent from 2021. AVSO has also secured dedicated legal support and is standing up an appraiser apprentice program to build internal capacity. AVSO is collaborating with the working group to improve its automated systems and processes to simplify how appraisals are requested by the bureaus and to provide bureaus with status tracking reports of pending appraisal actions.^{μμ}

These are examples of the work underway to reevaluate and improve Interior's Federal land acquisition activities. The Department will continue this comprehensive review and will keep the House and Senate Interior Appropriations Subcommittees informed as more progress is made.

QUESTIONS SUBMITTED BY SENATOR DEB FISCHER

Question. To date, how much funding has DOI spent implementing the America the Beautiful Initiative?

—Please include what staffing resources have been used to plan, coordinate, implement and track the initiative.

—Please also cite the congressional authorization used to justify any expenditures.

Answer. America the Beautiful is an interagency initiative to support voluntary, locally led, partnership-driven conservation and restoration nationwide. Interior is an active Federal partner in supporting the broader initiative driven by our mission and responsibilities for land and resource management. A variety of DOI programs—authorized by Congress—support the goals of the initiative. As such, the Department does not track funding for it as it would a formal program.

During the hearing, Secretary Haaland gave examples of funding requested for several DOI programs which help to support the objectives of America the Beautiful including the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program. The budget proposes \$79.7 million in FY 2024 for the Partners program, an increase of \$19.5 million above FY 2023 enacted. The program is authorized by the Partners for Fish and Wildlife Act (16 U.S.C. 3771-3774) to establish a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States. The projects provide other benefits to the local communities, such as enhancing drought resilience through water conservation projects, strengthening resilience to wildfire, and supporting habitat and migration corridors for game and other plants and animals of cultural significance.

The Partners Program works in all 50 States and territories, to consult with landowners to help them conserve and improve wildlife habitat. Landowner conservation is important because nearly 70 percent of land in the United States is privately

owned. Public and private landowners are critical partners in ensuring the health and sustainability of America's fish, wildlife and plant species. Projects are voluntary and customized to meet landowners' needs. Participating landowners continue to own and manage their land while they improve conditions for wildlife.

Many Partners for Fish and Wildlife projects take place on working landscapes such as forests, farms and ranches. FWS efforts focus on areas of conservation concern, such as upland forests, wetlands, native prairies, marshes, rivers and streams and designing projects to benefit Federal trust species including migratory birds, endangered, threatened and at-risk species.

All private landowners interested in restoring wildlife habitat on their land are eligible to participate. Current partners include farmers, ranchers, forest landowners, recreational landowners, corporations, local governments and universities. In addition to private landowners, the program partners with other Federal agencies, State agencies and non-governmental organizations to complete projects on private lands. Participating landowners do not forfeit any property rights and are not required to allow public access.

Another example mentioned at the hearing is the Land and Water Conservation Fund State Grants program managed by the National Park Service, which was permanently reauthorized in the Great American Outdoors Act. The program receives mandatory funding which is allocated annually by Congress through Appropriations. The budget proposes \$305.5 million in FY 2024 for these competitive and formula matching grants to States.

The State grants support the acquisition and development of land and facilities that will provide the public with access to new opportunities to engage in outdoor recreation through a variety of projects such as parks, sports and playfields, swimming and boating areas, trails, and campgrounds. Grants to States also provide for continuing State planning efforts to address outdoor recreation needs. Since 1965, more than \$5.2 billion has been apportioned to the States, resulting in the award of over 45,000 grants. States, Tribes, and localities have matched this amount at least dollar-for-dollar, doubling the Federal investment.

This program has successfully allowed States to take greater responsibility for the protection and development of open space and outdoor recreation resources. The Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003), provides funds and authorization for funding to the States in planning, acquisition, and development of public outdoor recreation areas and facilities.

Question. How does DOI define conservation in relation to the America the Beautiful Initiative?

—For private landowners, does the Department only consider land conserved if a landowner is participating in a Federal program?

—What is the baseline percentage of land that the Department considers to already be conserved?

Answer. Interior is working with our other Federal partners to engage the public in this question of how do we define conservation. Many uses of lands and waters can be consistent with the long-term health of natural systems and help address climate change, and the Department appreciates the continuum of conservation activities occurring across the Nation.

The America the Beautiful initiative relies on broad engagement across the country, including agricultural and forest landowners, fishers, outdoor enthusiasts, Tribal Nations, States, territories, local officials, and other important partners and stakeholders working to identify strategies that reflect the priorities of all communities. Integral to this approach is the voluntary conservation work of fishers, ranchers, farmers, and forest owners which takes place as part or independent of participation in a Federal program. Voluntary conservation work that occurs independently of Federal programs is an important part of America the Beautiful, and recognizing such efforts is best accomplished by building partnerships with individuals or organizations that would like their efforts to be included in the initiative.

With regard to a baseline of land considered to be conserved, the interagency team collected public comments in 2022 and continues to work on next steps.

SUBCOMMITTEE RECESS

Senator MERKLEY. [Whereupon, at 11:41 a.m., Wednesday, March 29, the hearing was adjourned, and the subcommittee and recessed, to reconvene at a time subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2024

WEDNESDAY, MAY 3, 2023

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:00 a.m., in room SD-124, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Murray, Reed, Tester, Van Hollen, Peters, Murkowski, Capito, Hoeven, Fischer, and Britt.

ENVIRONMENTAL PROTECTION AGENCY

STATEMENT OF HON. MICHAEL S. REGAN, ADMINISTRATOR

ACCOMPANIED BY: FAISAL AMIN, CHIEF FINANCIAL OFFICER

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Administrator Regan, and colleagues, constituents, welcome to this Appropriations Hearing on the fiscal year 2024 President's Budget Request for the Environmental Protection Agency.

I want to welcome, also, Faisal Amin, EPA's Chief Financial Officer, who is joining the Administrator.

Administrator Regan, climate chaos is here. We are seeing the impacts everywhere: The longer fire seasons, the more intensity of those fires, the decreased snowpacks, now the impact of that on our rivers, and on our irrigation waters, the more severe weather events, from the atmospheric rivers we have heard so much about on the West Coast this year, to warmer algae-infested lakes across the country, to droughts, and record-shattering heat waves.

Every part of the world is experiencing these impacts, and the damage is staggering. And it is going to increase exponentially unless we act decisively. I believe that to meet this moment we have to accelerate our transition from fossil fuel energy to renewable energy; that we have to tackle that crisis both from the supply side of fossil fuels as well as from the demand side.

This is why I adamantly oppose the Biden administration's approval of fossil fuel projects, one project after another. Not only does such approval slow the transition here in America, but it undermines our moral authority in the world. It is very hard to ask the rest of the world to transition off of coal, or other fossil fuels, to renewables, when we are continuing to approve one fossil fuel

project after another. The world needs American leadership and to lead we have to have the power of our example.

While I believe that we are headed in the wrong direction in that regard, I do commend your Agency for taking meaningful actions over the last several months. First, the cars and trucks emission rules are critical to decreasing our carbon footprint. The transportation sector is the largest source of carbon emissions in the United States, and that means we can't make meaningful progress without addressing those emissions.

I am a strong supporter of building and deploying more electric vehicles to reduce our greenhouse gases from transportation, and those proposed rules go a long way toward aggressively pushing our production in that direction.

Recent press reports about EPA's plans for reducing power plant emissions also indicate a step in the right direction, power plants another major source of carbon pollution. And this latest rule-making prioritizes the reduction of carbon emissions while promoting clean energy.

In March, the Energy Information Administration forecasted that by the year 2050 wind and solar will account for 56 percent of electricity generation. Newly built gas plants will become stranded assets unless they have the most feasible new technology.

The Inflation Reduction Act provides important incentives to clean up our power sector, and these rules leverage those new authorities and investments. These actions are commendable, common sense, and should be finalized as quickly as possible, which I am sure you are thinking about every day.

Today, we are here to discuss the fiscal year 2024 Budget Request for EPA, which is \$12.1 billion, a 19 percent increase from fiscal year 2023. This funding level would make up much needed grounded EPA after the past decade of budget caps, and the 4 years that the Trump administration spent gutting the Agency.

The budget includes \$5 billion to support the work of reducing emissions, increasing resilience, and engaging other nations in this shared challenge. It builds upon the work we made to remedy environmental injustice, the work we have done together over the years, including a huge step up from just \$11 million to \$105 million in fiscal year 2022, was an important effort to tackle historic disparities in the burden of pollution.

And I am impressed that the EPA budget request again prioritizes environmental justice by including an additional \$267 million increase to tackle this challenge. And I will look forward to understanding the ways that you would see these funds spent to achieve that goal.

You have also highlighted in this request that the EPA is working with the Forest Service on prescribed burns and a particulate matter standard for exceptional events. And this is critical back home in my State of Oregon, where wildfires are growing hotter and more devastating year after year, on the wildfire front and on that particulate matter piece, and the key is that we have to be able to do the prescribed burns which sometimes will violate standards. And I know fitting that into the overall framework is important.

On the wildfire front, I was especially pleased to see the Agency release its Notice of Funding Opportunity for Wildfire Smoke Grants, which will close in less than a week, after communities across my state and much of the West were blanketed in smoke for weeks that was caused by historic wildfires a few years ago, I created this program to support local efforts prepare for, and protect against wildfire smoke hazards.

I am looking forward to seeing some real results to provide relief from pervasive smoke that threatens businesses and public health.

Even with the increases proposed in this budget, the EPA budget is still less than it needs to be because there is even more that needs to be done, as I am sure, you know, you are pondering.

We are behind in rebuilding the Agency's workforce. The fiscal year 2024 staffing levels are still short of fiscal year 2009; we must make progress in hiring EPA's ecologists, hydrologists, toxicologists, and water infrastructure specialists, who can meet the challenges we face with a changing climate, a chemical based economy, and crumbling infrastructure.

Finally, I look forward to talking more in depth about plastics. Just this year in East Palestine, Ohio, and in Richmond, Indiana, we had two horrific disasters that resulted in no small part from our addiction to plastics, and we are learning more and more about the problems plastics present both to human health, and to damage to our ecosystems. And the fossil gas industry is seeking to use plastics as a way to expand their production, even as they are contributing enormously to climate chaos.

So much more to be done about plastic pollution, from wellhead, to combustion, to where it piles up; and I do appreciate your response to my April 5th letter about reports that the EPA has expedited the approval of chemicals that are produced through the pyrolysis of plastics.

The articles written about that were very concerning. I appreciate your response and without—if there is no objection I will enter to the record, both my letter to you, and your response.

So entered, without objection.

[The Information follows:]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 28, 2023

OFFICE OF CHEMICAL SAFETY AND
POLLUTION PREVENTION

The Honorable Jeffrey Merkley
United States Senate
Washington, D.C. 20510

Dear Chairman Jeffrey Merkley:

Thank you for your letter, dated April 5, 2023, addressed to EPA Administrator Michael Regan regarding the EPA's program under the Toxic Substances Control Act (TSCA) to streamline reviews of new chemicals to make waste and bio-based transportation fuel substitutes, and expressing your concerns that fuels derived from plastic waste reviewed under the program may present significant toxic chemical exposure to communities living near a refinery. This response is intended to provide more information on EPA's TSCA New Chemicals Program, its approach to standardize review of certain fuel-related pre-manufacture notices (PMNs), and the risk assessment and risk management approaches for the particular chemical(s) referenced in the recent news report and your letter.

EPA takes these concerns very seriously. EPA is implementing new protections to address the risks posed by chemicals following Congress' 2016 update to TSCA and wants to clarify the record as to EPA's actions related to its review of waste and bio-based fuel substitutes. In short, the news report referenced in your letter contains several inaccuracies and lacks important context. We welcome this opportunity to clarify the Agency's approach to reviewing these chemicals, communicate more clearly about the risks associated with the submissions the Agency has already reviewed, and share ways the Agency plans to improve this approach in the future.

Background on TSCA New Chemical Reviews and its January 2022 Biofuels Announcement

Between the enactment of TSCA in 1976 and the amendments to TSCA in 2016, EPA had a requirement to review the potential risks associated with new chemicals, but companies were able to move them into commerce if EPA didn't finish its review within 90 days. Consequently, EPA completed formal reviews on only about 20% of new chemicals during those four decades. As you know, when TSCA was amended in 2016, one of the fundamental reforms was to require EPA to do formal reviews of potential risks for 100% of new chemicals within 90 days before the chemicals went into commerce, dramatically increasing the Agency's workload.

The previous Administration never asked for additional funding from Congress to meet the responsibilities of the new law. For the past two years, EPA has requested more funding for the TSCA

program, but has not received all that was requested. Given the program's limited resources and increased responsibility, OCSPP has started to find ways to categorize types of chemistries for which the Agency receives a high volume of new chemical submissions and standardize the review process for those.

In January 2022, EPA announced a new effort to standardize the review of certain new chemicals used as transportation fuels, based on a growing number of applications from companies who wanted to make transportation fuels by mixing together a small amount of bio-or waste-based fuel feedstocks into a much larger amount of petroleum-based feedstocks at a traditional refinery. These transportation fuels, produced by refining a blend of waste or bio-based feedstocks with petroleum-based feedstocks, when not already on the TSCA Inventory are considered "new chemicals" under TSCA and as such are subject to the new chemicals review process.

The intent of this initiative was to create a more streamlined process for reviewing mixtures of different combinations of feedstocks used to make new fuels. EPA's rationale for creating a more streamlined review process was based on a belief that the new fuels were substantially similar to existing fuels, such as gasoline or jet fuel. This is because the 'new' fuels would consist of hydrocarbon mixtures, essentially the same as traditionally refined gasoline or jet fuel.

In EPA's January 2022 announcement, EPA also stated that the effort would support the goals under EPA's Renewable Fuel Standard (RFS) program, which has Congressional mandates to replace or reduce quantities of petroleum-based transportation fuel, heat oil, or jet fuel with biofuels that are projected to have lower lifecycle greenhouse gas emissions. Only fuels made from feedstocks that meet the definition of renewable biomass and other requirements under the Clean Air Act can qualify as such under the RFS program. The projected volumes referenced in the EPA's announcement did not include any volumes associated with the waste-based fuels, as these would not qualify under the RFS program.

Summary Information about the Plastic-Based Feedstock Oils

Your letter raised questions regarding pyrolysis of plastic, and concerns that those feedstock oils may be contaminated with impurities. There are several previously-approved plastic-based feedstocks (or precursors) that are associated with PMNs that EPA reviewed under this standardized approach, meaning that some of the 'new' fuels that would be reviewed by EPA are expected to include a small amount of 'feedstock oil' made from the pyrolysis of plastic.

1. *No fuels using plastic-based feedstock oils have been commercialized.* While a number of press reports have raised concerns that fuels using plastic-based feedstock oils are currently being manufactured, that is not the case. EPA has yet to receive a 'Notice of Commencement' for any of the new fuels planned to be made using plastic-based feedstock oils.
2. *The plastic-based feedstock oils were approved by EPA years ago, and the data on impurities received at that time showed no impurities of concern.* All of the PMNs for the individual precursor plastic-based feedstock oils were reviewed and approved by EPA years ago - in both 2015 and 2019. At the time they were approved, the feedstock oil companies provided some data on impurities and these data showed there were no impurities of concern, and in one case the Agency required some additional testing to prove no dioxins were being formed as a result of the pyrolysis process.

3. *EPA plans additional effort to ensure no impurities are present in plastic-based feedstock oils.*

EPA recognizes that the data and testing that was required in 2015 and 2019 for these plastic-based feedstock oils might not reflect as complete an understanding of the potential range of impurities that the Agency now knows to be potentially present in plastics. EPA is aware of concerns about the potential health and environmental risks posed by impurities that may be present in pyrolysis oils generated from plastic waste. Accordingly, EPA intends to require companies submitting new pyrolysis oil chemicals to the Agency for review under TSCA to conduct testing for impurities that could be present in the new chemical substance prior to approval, and ongoing testing to ensure that variation over time in the sources of the plastic waste stream used to generate the pyrolysis oil does not introduce new impurities.

EPA's Risk Assessment for the Plastic-Based Fuels

Under TSCA, EPA's review process for all new chemical substances looks at the lifecycle of a chemical, including manufacturing, processing, distribution, use, and disposal. Risk is a function of hazard and exposure. EPA applies a screening level analysis to assess if the new chemical substance poses risks to humans and environment. Typically, the Agency uses conservative assumptions for both hazard and exposure in its models and calculations, and looks at worker, general population, consumer and fenceline risks for the entire lifecycle of the substance, including risks to potentially exposed or susceptible subpopulations as the law requires. The following sections describe some of EPA's considerations when assessing the specific new chemical referenced in your letter – a new jet fuel mixture made by co-processing feedstocks from both waste plastic-derived feedstock oil and petroleum-based oil at a traditional refinery.

1. *EPA's hazard estimates were based on an analogue and conservative assumptions.* When EPA receives a new chemical submission, it does not always have precise or complete information about the potential health hazard. When the new chemical resembles a chemical the Agency has reviewed in the past and has a more complete understanding of, those older chemicals are sometimes used as analogues to estimate hazard, with conservative assumptions built in. EPA determined that the 'new' fuel that would result from co-processing a small amount of waste plastic-derived feedstock oil into a significantly larger amount of petroleum-based oil did not have an appropriate analogous petroleum stream to evaluate cancer hazard. Instead, EPA used a hydrocarbon mixture called a "Stoddard solvent." EPA knows the cancer hazard associated with the Stoddard solvent, and because the Agency did not know exactly what percentage of the new fuel contained this Stoddard-like component, EPA's risk assessment included the assumption that 100% of the new jet fuel was Stoddard solvent, an assumption we know to be very conservative.
2. *The worst-case exposure scenario cited in the ProPublica report was not at the refinery, and estimated refinery risks are not high relative to traditional fuels.* Your letter references a news report that described a 1 in 4 cancer burden falling on people who live within 3 miles of a facility that refines a mixture of plastic-based feedstock oil with petroleum oil. This report is inaccurate. In fact, for the referenced jet fuel PMN, the general population risks associated with refinery emissions that EPA calculated in its risk assessment were on the order of one in a hundred thousand, consistent with the Agency's benchmark residual cancer risk levels for refineries, and

risks to workers in the refinery were found to be orders of magnitude lower than that – about one in ten million.

3. *The worst-case exposure scenario the Agency identified did not represent a realistic exposure scenario, and actual worst-case risks are expected to be vastly lower.* The exposure scenario that led to the 1 in 4 cancer risk referenced in reports is not one that would realistically be expected to occur. In general, to develop its exposure scenarios, the New Chemicals Program took the entire projected future annual production volume of the new jet fuel - and for each type of exposure (e.g., worker in a refinery, worker in a gas station, person living near the refinery, etc.), the Agency used conservative assumptions and generic scenarios to calculate potential exposure to each category of potentially exposed person.

In the exposure scenario for the jet fuel PMN that led to the 1 in 4 cancer risk referenced in reports, the Agency divided the total projected future annual production volume of the new jet fuel by the total number of locations expected to receive the fuel (about 100 locations). The Agency then assumed each location could be an end-use location (e.g., airport), and also assumed that these locations were where all of the fuel would be burned. The scenario that was modeled in effect presumed that every plane at the airport was idling at the same time on a runway burning an entire tank's fuel without ever taking off, that the components of the fuel that contribute to cancer risk are not fully combusted and are present in the exhaust, and that residents living nearby would continuously breathe the exhaust each day over many years in their lifetime. This is not an exposure scenario that would ever actually occur. Upon receiving the exposure model output that was used to estimate risk to nearby communities associated with airport exposures as 1 in 4, EPA should have recognized an issue and documented that exposures from mobile transportation fuels - generally many orders of magnitude lower - were not well-addressed in its model. EPA should have then taken steps to either adjust its model, or better communicate and provide the context for the model's output in the risk assessments.

Risk Management Approach

Your letter also asked several questions related to the Agency's risk management approach. Given initial data indicating that the plastic-based feedstock oils did not contain impurities of concern and that the worker and community risks at the refinery from the 'new' fuels were estimated to be the same as 'traditional' fuels, EPA continues to believe that it was appropriate for the Agency to rely on the sufficiency of existing regulations governing traditional fuels to protect human health and the environment, but some additional explanation follows below.

1. *EPA's risk management approach for the fuel PMNs ensures appropriate protections for health and the environment.* EPA's consent order required the company to comply with existing regulations under the Clean Air Act, OSHA, DOT, and Coast Guard as well as anything else that was applicable to the manufacture, transportation, storage, dispensing, use and disposal of the new fuels. Specifically, the consent orders required compliance with existing regulations, including, but not limited to:

- regulations affecting fuel standards - 40 CFR Part 1090 and 40 CFR Part 79;

- regulations affecting storage and transport of fuels - 40 CFR Part 63 and 49 CFR parts 100-180;
- regulations affecting workers handling fuels including hazard communication, monitoring for benzene and other hazardous materials, flammability, and marine fuels - 29 CFR parts 1910 and 1917;
- any other regulations that apply to the manufacture, transport/storage, dispensing, use and disposal of the new fuels; and
- some additional requirements including use of personal protective equipment (PPE) for workers and recordkeeping under TSCA.

2. *The reference to OSHA requirements in the consent order is not at odds with EPA's policy regarding consideration of worker exposures.* Your letter raised questions with respect to consistency of the Agency's actions on the fuel PMNs with EPA's March 2021 announcement regarding worker exposures. In that announcement, EPA stated it would ensure necessary protections for workers identified in its review of new chemicals through regulatory means. More specifically, where EPA identifies a potential unreasonable risk to workers that could be addressed with appropriate PPE and hazard communication, EPA will no longer assume that workers are adequately protected under OSHA's worker protection standards and updated Safety Data Sheets (SDS). Instead, EPA will identify the absence of worker safeguards as "reasonably foreseen" conditions of use, and mandate necessary protections through a TSCA section 5(e) order, as appropriate. For these new fuel PMNs, EPA did identify risks to workers and – through its consent order – mandated necessary protections, including compliance with OSHA requirements as well as additional requirements regarding use of PPE. This is consistent with the EPA's current policy for worker protection. While the 2015 and 2019 PMNs for the plastic-based feedstock oils were not reviewed under this policy, EPA did include conditions for worker protection in the consent orders for those PMNs as well. For the 2019 PMNs, EPA required compliance with monitoring requirements by OSHA for benzene and toluene, and for the 2015 PMNs, EPA required dermal PPE and hazard communication.

Other Specific Requests/Questions:

The following information is responsive to other specific requests or questions in your letter that are not otherwise addressed in this response:

1. *Request for a list of the new chemical waste-based fuels that were approved as part of this program.* Although these PMNs are available in ChemView, the PMN numbers cannot be shared within this context because the companies claimed both the biobased and waste-based sources of the fuels as confidential. Sharing the PMN numbers in response to this request would reveal confidential business information (CBI). The Agency is in the process of preparing versions of the risk assessments for the PMNs that have CBI redacted and will make those available once that work is complete. Please find attached the sanitized orders for the two biofuels cases not claimed as CBI: P-21-0141 (CASRN 2529890-37-5) and P-22-0147 (CASRN 2779559-23-6).

2. *Request for the number of fuels approved under the bio-based fuel program made fully, or partially, from plastic waste, and from byproducts of petrochemical manufacture and refining processes?* EPA has processed a total of 35 submissions under the new fuels approach, of which 17 are expected to be manufactured using some feedstocks made from plastic waste. None of the chemicals are byproducts of petrochemical manufacture or refining processes.
3. *Request related to the company's prior enforcement history.* Enforcement history is typically not a factor in risk assessments and risk determinations. EPA's New Chemicals Program does, however, work closely with colleagues in EPA's Office of Enforcement and Compliance Assurance to support any TSCA compliance and enforcement related matters. Since the new fuel blends are also subject to various existing regulatory requirements, EPA's offices responsible for implementation of those regulations would also be involved in the event of future non-compliance or violations of the requirements.

We thank you for this opportunity to clear up several misconceptions and to provide additional details that describe our actions going forward. If you would like to discuss this matter further, please contact Laura Gentile (Gentile.Laura@epa.gov or 202.805.3243) in the EPA Office of Congressional Affairs.

Sincerely,

MICHAL
FREEDHOFF

 Digitally signed by MICHAL
FREEDHOFF
Date: 2023.04.28 15:12:29 -04'00'

Michal Freedhoff, Ph.D.
Assistant Administrator

JEFFREY A. MERKLEY
OREGON

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
BUDGET
ENVIRONMENT AND
PUBLIC WORKS
FOREIGN RELATIONS
RULES AND
ADMINISTRATION

April 5, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan:

I strongly support your efforts to combat climate chaos and urge you to do everything in your power to increase climate ambition while advancing justice and equity. As EPA Administrator you have been a strong advocate for furthering environmental justice and I applaud your leadership. I am concerned, however, by a recent report from ProPublica and the Guardian that the EPA's program under the Toxic Substances Control Act to streamline approval of new chemicals to make bio-based transportation fuel substitutes is being used for fuels derived from plastic waste and is resulting in significant increased toxic chemical exposure to frontline communities.

In February 2022, the EPA's New Chemicals Division began streamlining approval of new chemicals for substitutes to petroleum-based fuels that use bio-based or waste-derived sources to produce fuels in an effort to speed up displacement of current, high greenhouse gas emitting transportation fuels. As part of this program, it has been reported that the EPA approved a new chemical that has a 1 in 4 chance of causing cancer from lifetime exposure of smokestack emissions.

I find reports that under the EPA's program companies can and have received approval to create fuel from plastic waste especially troubling. So-called "chemical recycling" has been touted by companies like Chevron as a way to reduce plastic waste through repurposing it but turning plastic waste into fuel increases greenhouse gas emissions, subsidizes the petrochemical industry, and harms frontline communities located near these facilities. While it is urgent that our country takes actions to address climate chaos we need to ensure that the steps we take actually reduce greenhouse gas emissions and do not do so by sacrificing historically marginalized communities and those who are already overburdened by toxic pollution.

JEFFREY A. MERKLEY
OREGON

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
BUDGET
ENVIRONMENT AND
PUBLIC WORKS
FOREIGN RELATIONS
RULES AND
ADMINISTRATION

I ask that you answer the following questions prior to April 30th:

1) Is it true that the EPA streamlined the review of a premanufacture notice for production of a chemical for use as a fuel in Pascagoula that could emit air pollution so toxic that 1 in 4 people exposed to it over a lifetime could get cancer? If so, how did the EPA justify streamlining that approval? How many times has the EPA ever approved exposure levels with this level of toxicity?

2) The consent order covering the new chemicals at the Chevron facility noted other elevated cancer risks as well as non-cancer risks. The consent order also says that there was insufficient information to quantify remaining risks. Why has the EPA approved new chemicals without a more thorough understanding of the risks associated with these chemicals?

3) The Chevron facility in Pascagoula has undergone three enforcement actions - two formal and one informal - by the EPA since 2016. One of those actions resolved claims that Chevron violated provisions of the Clean Air Act aimed at preventing accidental releases of hazardous chemicals that can have serious consequences for public health and the environment. Why did the EPA streamline approval of a new chemical at a facility with this troubling enforcement history? Has the EPA imposed any historical compliance requirements or other restrictions on which facilities or companies can qualify for the streamlined review process?

4) Please provide us with a list of the new chemical waste-based fuels that were approved as part of this program. Please include those submitted as premanufacture notices as well as significant new use notices. I request you share all consent orders that the EPA has issued for chemicals to be used as fuels under this program.

5) Why did the EPA decide to approve new chemicals resulting from pyrolysis of plastics under this bio-based fuels program?

6) How many of the fuels approved under the bio-based fuel program are made fully, or partially, from plastic waste? How many are made from byproducts of petrochemical manufacture and refining processes?

7) The Occupational Safety and Health Administration says that their regulations for worker protections from chemicals are outdated and should not be relied on. Why does the EPA believe that the OSHA standards provide adequate protection from these chemicals? This seems in direct conflict with the EPA's March 29, 2021 announcement

JEFFREY A. MERKLEY
OREGON

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
BUDGET
ENVIRONMENT AND
PUBLIC WORKS
FOREIGN RELATIONS
RULES AND
ADMINISTRATION

that it “will no longer assume workers are adequately protected under OSHA’s worker protection standards.”

8) ProPublica and the Guardian’s reporting implied that federal laws and regulations would not apply to most of the air pollution, besides benzene, approved by this new program. Is this correct? If not, what federal rules and regulations do apply to the resultant air emissions? How will the offices within the EPA overseeing compliance with those regulations work together to ensure full compliance, including monitoring, at facilities that are producing these new chemicals?

9) The consent order lists federal regulations potentially applicable to the bio-based fuels approved under this program. To what extent will these and other existing regulations mitigate the risks identified in the consent order?

10) How does the EPA plan to monitor production of these new chemicals over time to ensure environmental safety and public health? How often will the EPA reassess the new chemicals’ effects on the environment and public health, including on any surrounding communities?

11) Why did the EPA reference the Renewable Fuels Standard (RFS) in its January 2022 press release announcing this program? Will credits be issued for these fuels under the RFS? What is the relationship between the RFS program and the fuels that are approved under this process? Do the fuels approved under this program qualify for RINS under the RFS program?

12) The EPA’s January 2022 press release on this program also states that this effort supports EPA’s 2021 Climate Adaptation Action Plan. The Action Plan states that one of its goals is to promote environmental justice. How does the EPA balance or reconcile that goal with the increased environmental and public health hazards imposed by these new chemicals?

JEFFREY A. MERKLEY
OREGON

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
BUDGET
ENVIRONMENT AND
PUBLIC WORKS
FOREIGN RELATIONS
RULES AND
ADMINISTRATION

13) What, if any, steps are the EPA taking to reduce the risk from air pollution for frontline communities in communities that will be affected by new chemicals approved under the program, including those in Pascagoula? To what extent has the EPA considered potentially exposed or susceptible subpopulations in its assessments under the bio-based fuels program?

Sincerely,



Jeffrey A. Merkley
Chairman, Environment and Public Works Subcommittee on
Chemical Safety, Waste Management, Environmental Justice, and
Regulatory Oversight

Senator MERKLEY. I am still concerned that the EPA is failing to protect frontline communities already overburdened with toxic chemicals and other forms of pollution when it comes to that process.

The report by ProPublica and The Guardian shed light on a troubling approval process that EPA used for products from that so-called chemical recycling, while the April 21st strategy contains a testing requirement for new pyrolysis oils, a small step forward, the air pollution that may result from the new facilities may, in fact, increase the damage in already burdened communities.

Similarly, approval expanding a fossil fuel pipeline in my state is contrary to the steps that Oregon has taken to build a clean energy future. I hope and expect the EPA to work with the Federal family, and FERC in particular, to respect the wishes of Oregonians, as well as Californians, and Washingtonians, to stop that process from moving forward.

According to FERC's analysis, the GTN XPress Project would emit 2.3 million metric tons of carbon dioxide, equivalent emissions each year until at least 2052. Over the next 28 years it will cause \$9 billion in climate-related damage. And that is using a methodology that systematically minimizes the pipeline's climate impacts.

Adding new emissions through pipeline expansions, like the GTN Xpress, is incompatible with President Biden's pledge, and it would undermine Oregon's efforts for a clean energy future.

Now, I am delighted that our Ranking Member is here, Lisa Murkowski. And we will turn the microphone over to her; welcome.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman, good morning.

And Administrator Regan, welcome back to the committee, good morning to you; glad that we are able to discuss EPA's fiscal year '24 budget request with you this morning.

I am going to start off by just acknowledging and thanking you for the working relationship that you and I have built within your time in office, and your team working with mine.

Before I turn to more Alaska-specific issues this morning, I must note my concern over the direction that I believe the Agency is taking with regards to recent and planned national regulatory actions. In particular, I believe the Agency is engaging in regulatory overreach with WOTUS, which the Senate has expressed its disapproval on, as well as the newly proposed Auto Emission Rule.

If press reports are true, EPA's soon-to-be-released Power Plant Rule will follow the same unfortunate pattern, and these broad national regulations often have a disproportionate impact on the State of Alaska as we have had an opportunity to discuss. With WOTUS, a very significant percentage of Alaska is considered a wetland; the finalized WOTUS Rule fails to consider special characteristics in Alaska, such as permafrost, and will harm much needed economic development within my state.

And while I have serious concerns about how these national policies will negatively impact Alaska, I would like to focus on some more positive matters.

And Administrator, I want to, I want to thank you, sincerely, for your and your Agency's leadership on the issue of ANGSA contaminated lands. This is an environmental injustice that we have discussed, it is an environmental injustice caused by the Federal Government. It has been left without action for far too long.

But thanks to you, and the supportive colleagues here on the committee, we now have a new grant program within EPA to finally begin making a difference, and remediate these contaminated lands.

For colleagues' information, under the promise and the commitment to Alaska Native peoples with the Native Claim Settlement they were entitled to certain lands. We have worked to make good on that commitment but, unfortunately, what happened over the course of years, where contaminated lands, lands that had been contaminated by our own Federal Government, are conveyed to the Native people in settlement for their lands. So what they receive is not only of questionable value, but in many times, the lands that they have received are making them ill, are making them sick.

And so this was an injustice that must be corrected, and we are making a difference here. The Agency's fiscal year 2024 request continues the new ANGSA Contaminated Lands Grant at 20 million, and I truly appreciate that.

What happened with the EPA was considerable, because the EPA stepped forward into the leadership role on this ANGSA contaminated lands. I don't mean to put one department against the other, but the fact of the matter is the Department of Interior has failed, failed to be helpful on that issue.

And so there were some key members on your team, Mr. Sixkiller, there were some others that, again, have just put their shoulder into this, and really advanced this in a way that has been positive and remarkable.

And I want to make sure that others know that you deserve this public commendation now. These efforts are going to directly improve the health and well-being of so many communities, and this work cannot be understated in its importance.

So I hope, and I know, Administrator Regan, that there is more that you and I can do together to right this injustice in our Alaska Native community, so I am looking forward to finding further creative funding solutions with you. I certainly invite you to come to Alaska at any time to meet in some of these communities with me, and I know that we are looking forward to doing that at a point in time.

I now want to turn to an issue that we have had opportunity to discuss before, and this is the Agency's Wood Heater Certification Program. I get that this is a problem that you have inherited, but unfortunately, it is really coming to a head for communities of Fairbanks, and North Pole, and the interior part of my state.

Earlier this year, the EPA partially accepted and partially rejected the State of Alaska's State Implementation Plan for PM 2.5. I believe that the Agency, fundamentally, misunderstands the role that its flawed Wood Heater Certification played in higher PM 2.5 emissions within the region.

In fact, in February of this year, the EPA Inspector General released a report heavily criticizing the Agency's handling of its Wood Heater Program. The IG's report states that: EPA's mismanagement has led to elevated PM 2.5 emissions even though Congress has provided almost \$100 million for wood stove changeouts over the last 8 years through the Targeted Airshed Grant.

I have worked hard on that, I think you know. I secured tens of millions of dollars for wood stove changeouts in the Fairbanks area through this grant, which should be good, it should be a positive, so I am really very frustrated by the IG Report's findings.

By failing to properly certify and test wood heater emissions the EPA has frustrated Congress' investments and intended goals.

So Administrator, I am calling on your Agency to fix its handling of the Wood Heater Certification and Testing Program, and to internally provide whatever resources are needed to achieve that.

To show my commitment, last year we provided a \$1 million increase for staffing, and other efforts to help right the program, but it really is just not fair, that my constituents in Fairbanks and in North Pole are going to face increased energy prices, or perhaps even worse than that, actual energy insecurity due to potential enforcement actions that the Agency may take against them for the Agency's own mismanagement.

I am going to be up in Fairbanks this weekend, and I can tell you this is going to be a hot, hot, hot topic there.

Lastly, I want to discuss with you the Agency's handling of congressionally directed spending projects. I do appreciate that the Congress rather rapidly revived a significant workload for the agencies when we brought back CDS projects in fiscal year 2022. But I don't think that that excuses the Agency's performance, so far, in executing these important and needed investments. The Congress has provided additional resources for the Agency to implement a revived program, but I don't think that more staffing

alone is going to fix the problem. I think that the Agency has not made this a significant enough priority.

In fiscal year 2022 and 2023 the Congress funded over 1,000 CDS projects for the EPA to manage, and to my knowledge, so far only a small percentage of the projects have been awarded. So I am concerned about the pace, particularly since Congress looks poised to continue CDS projects for EPA into the future, as I think that they should, but the Agency has got to do better here.

And to show you that I am going to be your partner in this, I am certainly willing to work with you on any initiatives that you may have, any suggestions that you think can improve the speed of processing. This delay impacts projects nationally, but also significantly in my State of Alaska.

I want to thank you for your help with several of those CDS projects, like the Alaska Native Claims Settlement Act (ANGSA) contaminated lands, but also the Polaris Building in Fairbanks. But just generally, I am somewhat bewildered that critical water and wastewater infrastructure projects are lagging severely behind. So I hope that you and your team will be able to explore ways in which CDS projects can be awarded faster, including any creative solutions which we can help secure in our Bill.

I know that implementing these CDSs isn't easy, so I thank you for your work, and all the Agency personnel that are working on this, hopefully, we can make these the success stories that we know they should and could be.

I have given you a lot here in my opening statement, Mr. Administrator, but know that these are issues that are so important across the State of Alaska. We have got a good working relationship, I think a strong working relationship, and that is why I am very comfortable raising these issues with you, personally, because I think that we can make a real difference for the State of Alaska, and we can make a real difference across the country.

So it doesn't mean that I am going to stop knocking on your door anytime soon. We are going to work together. And again, look forward to the opportunity to be able to show you, personally, some of the challenges that we are facing and what more we can be doing to address them.

With that, thank you, Mr. Chairman.

Senator REED. Thank you, Senator Murkowski.

On behalf of Chairman Merkley, let me recognize Director Regan for his open statement. Mr. Director.

SUMMARY STATEMENT OF HON. MICHAEL REGAN

Mr. REGAN. Thank you, Mr. Chairman, Ranking Member Murkowski, and Members of the Committee, I appreciate the opportunity to appear before you today to discuss the necessary vision laid out in the United States Environmental Protection Agency's fiscal year 2024 Budget Request.

In this request we lay out an ambitious but transformative plan for the EPA with the goal of building a healthier, more prosperous nation while ensuring global competitiveness, energy independence, and energy security.

President Biden's proposed fiscal year 2024 Budget Requests for EPA provides \$12.1 billion to advance key priorities including pro-

tecting air quality, upgrading our nation's aging water infrastructure, tackling the climate crisis, and rebuilding core functions at EPA.

Over the last year EPA has made significant progress towards many of these goals. We have taken action to cut smog and hazardous air pollution, which will reduce the risk of cancer in nearby communities by almost 96 percent—in some communities about 96 percent. We have taken strides to ensure that all people have clean water by proposing the first ever legal limits for PFAS, and investing billions of dollars to remove 100 percent of lead pipes across this country.

And we have accelerated our transition to a clean transportation future by proposing the strongest ever standards for cars and trucks, while awarding 2,400 Clean School Buses to school districts all across the country. I am proud of the foundation that we have laid and the partnerships that we have underpinning our successes.

But there is still so much more work to do so that all of our children have safe, healthy places to live, learn, and play, to build a stronger more sustainable economy, and to advance American innovation and ingenuity. Simply put, investing in EPA is investing in America.

Across the country poor air quality still affects millions of people perpetuating harmful health and economic impacts. In fiscal year 2024, the Agency will protect air quality by cutting emissions of ozone-forming pollutants, particulate matter, and air toxics.

The President's budget includes \$1.4 billion to improve air quality and set standards that reduce pollution from mobile and stationary sources. EPA's work to set these standards provides certainty to industry, builds on advances in technology, and reinforces the market movement towards a cleaner energy system that provides reliable and affordable energy.

A thriving economy also requires clean and safe water for everyone in this country, although progress has been made many still lack access to healthy water, face inadequate wastewater infrastructure, and suffer from the effects of lead pipes. America's water systems are also facing new challenges, including cyber security threat, climate change, and emerging contaminants such as PFAS.

The budget proposes more than \$4 billion to upgrade drinking water and wastewater infrastructure nationwide with a focus on underserved communities.

Over the last year, I have had the privilege of traveling across the country, from Jackson, Mississippi, to East Palestine, Ohio. I have visited communities and seen first-hand environmental and public health challenges many of your constituents continue to experience.

I have spoken to families who have been sickened by the air they breathe. I have met with people who live with toxic waste in their backyard. And I have seen conditions that are simply unacceptable in the United States of America. From investing in our Nation's climate resilience, to cleaning up contaminated land and water, there is absolutely no shortage of important work to be done.

Senators of the committee, EPA is up for the task. We are eager to work with all of you to deliver for our fellow Americans, and to

secure our Nation's global competitiveness, but we need your support. Both the urgency and economic opportunity presented by climate change require that we leave no stone unturned.

I would also like to take a moment to remind folks that we must keep moving forward, 2024 will undoubtedly present a unique set of challenges, and moving backwards, certainly, is not an option.

Reverting back to the fiscal year 2022 budget would force the Agency to make very difficult decisions. EPA would have to cut hundreds of millions of dollars from programs that protect communities all across America, impacting our ability to hire critical staff, including toxicologists, engineers, scientists, and others who play a crucial role in protecting the people of this country and our planet.

With a reduced budget EPA may be forced to delay fixing America's aging water infrastructure, it might endanger our efforts to address climate change, and it might roll back our progress that we have made on environmental justice.

President Biden's budget positions EPA to create durable environmental policy, invest in America, and set our Nation on a path to win the 21st century. It will also allow us to address the environmental concerns of millions of Americans, and fundamentally improve people's lives for the better.

Thank you for the opportunity to be here today, and to submit this testimony for the record. And I look forward to our continued partnerships to achieve these ambitious, yet necessary goals. And welcome all questions.

Thank you all.

[The statement follows:]

PREPARED STATEMENT OF HON. MICHAEL S. REGAN

Thank you, Chairman Merkley, Ranking Member Murkowski, and members of the Committee, I appreciate the opportunity to appear before you today to discuss the bold vision laid out in the U.S. Environmental Protection Agency's (EPA) proposed Fiscal Year (FY) 2024 Budget request. Before turning to FY 2024, I also want to express my appreciation for the targeted increases included in the FY 2023 enacted appropriation and all of the work that went into accomplishing this year's budget. Building off that foundation, in our FY 2024 Budget request, we lay out an ambitious plan for EPA that provides the resources needed to advance a cleaner, healthier, and more equitable Nation where all people have equal access to safe and clean water, air, and communities.

THE FY 2024 PRESIDENT'S BUDGET REQUEST

The President's FY 2024 Budget for EPA provides \$12.1 billion to advance the key priorities outlined in the FY 2022–FY 2026 EPA Strategic Plan, including tackling the climate crisis, delivering environmental justice, protecting air quality, upgrading the Nation's aging water infrastructure, and rebuilding core functions at EPA. EPA is committed to providing robust support to our tribal, state, and local partners through grants that directly reach these communities. Nearly half of our Budget, over \$5.8 billion, is to support state, tribal and local partners to advance the critical mission we can only accomplish by working together. The Budget requests approximately \$1.2 billion to support implementation of grant programs authorized in the Drinking Water and Wastewater Infrastructure Act (DWWIA). The Budget also includes more than 1,900 additional Full Time Equivalents (FTE) across program and regional offices, bringing EPA back to 17,000 FTE, to ensure EPA has the capacity to protect human health and the environment across the Nation.

TACKLING THE CLIMATE CRISIS

In FY 2024 EPA will continue to prioritize climate mitigation and adaptation, which are both essential components of the strategy to reduce the impacts of climate change. EPA's budget will support Federal partners, tribal governments, states, territories, local governments, environmental justice organizations, community groups,

and businesses to address climate change. EPA will provide an additional \$45 million and 26 FTE for climate adaptation efforts to strengthen the adaptive capacity of tribes, states, territories, local governments, communities, and businesses. In addition, EPA also will provide \$400 million in grants, an increase of \$151 million, to help expand the efforts of state and local air pollution control agencies to implement the Clean Air Act. We will leverage an additional \$65 million to implement the American Innovation in Manufacturing Act to continue phasing out hydrofluorocarbons (HFCs). EPA will direct an additional \$37 million to improve knowledge of the impacts of climate change on human health and the environment through our research programs.

ENFORCING ENVIRONMENTAL LAWS

Enforcing and ensuring compliance of our Nation's environmental laws is central to achieving EPA's mission. EPA holds, and will continue to hold, bad actors accountable for their violations, with a particular focus on communities with multiple pollution sources. This Budget invests \$246 million for civil enforcement efforts, such as increasing enforcement efforts in communities with high pollution exposure and preventing the illegal importation and use of hydrofluorocarbons in the United States. The request also includes \$165 million for compliance monitoring and additional resources to implement a coal combustion residuals compliance program. The Budget also directs \$75 million for criminal enforcement efforts to pursue investigations of the most egregious environmental cases and to support a specialized Criminal Enforcement Initiative focused on addressing environmental justice issues in partnership with the Department of Justice (DOJ).

ENSURING CLEAN AND HEALTHY AIR FOR ALL COMMUNITIES

Poor air quality still affects millions of people across the country, perpetuating harmful short- and long-term health and quality of life impacts. In FY 2024, EPA will improve air quality for communities by reducing emissions of ozone-forming pollutants, particulate matter, and air toxics. The President's Budget includes \$1.4 billion to improve air quality and reducing localized pollution, reducing exposure to radiation, and improving indoor air for communities across the country. The Budget dedicates \$180 million to the development and implementation of national emission standards to reduce air pollution from vehicles, engines, and fuels. EPA's work to set these standards provides certainty to industry, builds on advances in technology, and reinforces market movement towards a cleaner energy system that provides reliable and affordable energy. The Budget provides \$150 million, a \$50 million increase above the 2023 level, to expand the availability of Diesel Emissions Reduction Act (DERA) grants and rebates.

The Budget includes \$367 million to assist tribal, state, and local air pollution control agencies in the development, implementation, and evaluation of programs for the National Ambient Air Quality Standards (NAAQS) and to establish standards for reducing air toxics. EPA will continue to build on its historic progress in protecting human health and the environment from the harmful effects of air pollution and work to assure clean air for all Americans, with a particular focus on those in underserved and overburdened communities.

ACHIEVING CLEAN AND SAFE WATER FOR ALL COMMUNITIES

Clean and safe water is a foundation for healthy communities and a thriving economy, and EPA is committed to ensuring clean and safe water for all. Although immense progress has been made across our Nation, many still lack access to safe and clean water and suffer the effects of aging infrastructure and legacy lead pipes. America's water systems also are facing new challenges, including cybersecurity threats, climate change, and emerging contaminants of concern, such as PFAS.

In FY 2024, EPA will continue our work with Federal, tribal, state, and non-governmental partners to advance water quality science, provide clean and safe water for all communities, and protect our Nation's waterbodies from degradation. The Budget provides more than \$4 billion for water infrastructure, an increase of \$1 billion over the 2023 enacted level. The Budget funds all of the authorizations in the original Drinking Water and Wastewater Infrastructure Act of 2021 and maintains funding for EPA's State Revolving Funds (SRF) at the total 2023 enacted level, which complements funds provided for water infrastructure programs in the Bipartisan Infrastructure Law. To further the President's goal of replacing all lead pipes within the next decade, the Budget proposes \$219 million for two grants dedicated to remediating lead contamination in water— Reducing Lead in Drinking Water and Lead Testing in Schools.

Also included is \$80 million to support the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. As of February 2023, EPA has issued 100 WIFIA loans to communities across the country totaling over \$17 billion in credit assistance to help finance more than \$36 billion for water infrastructure projects. WIFIA loans for these projects have saved communities nearly \$5 billion, which can be used for additional infrastructure investment and to keep rates affordable for water system users. These WIFIA-financed projects have created over 123,000 jobs and benefited more than 50 million people, demonstrating that WIFIA credit assistance is an effective tool to help address a variety of water infrastructure needs to support communities nationwide.

In FY 2024, EPA will continue to work across environmental programs to advance agency efforts to tackle Per- and Polyfluoroalkyl Substances (PFAS) pollution. As part of the President's commitment to tackling PFAS pollution and EPA's PFAS Strategic Roadmap, the FY 2024 Budget provides EPA with the resources to increase its understanding of PFAS and their human health and ecological effects; restrict PFAS use to prevent new PFAS pollution from entering the air, land, water; and remediate PFAS that have been released into the environment. The FY 2024 Budget provides \$279 million for the Section 106 Grants Program, which funds state, interstate, and tribal water pollution control programs, and is a critical funding source to establish, expand, and implement water quality programs to protect and restore water resources. More than \$60 million in additional funding is provided across the budget to accelerate progress on EPA's PFAS Strategic Roadmap, and enable EPA to move more quickly on policy, regulatory, and enforcement actions across multiple statutory authorities. EPA will continue its efforts in FY 2024 to develop analytical methods, drinking water health advisories, toxicity values, effluent limitation guidelines, as well as risk communication and other tools to support states, tribes, and localities in managing PFAS risks in their communities.

From the Great Lakes to the Chesapeake Bay, from Lake Pontchartrain to the Puget Sound, the United States is home to water bodies of ecological, cultural, and economic significance. The Budget invests \$682 million to continue strong support for EPA's Geographic Water Programs to protect and restore these water bodies of special ecological and economic importance to the Nation. EPA's Geographic Programs deliver technical and financial assistance to solve problems and support healthy resilient ecosystems and to maintain, restore, and improve water quality, which yields environmental, economic, and recreational benefits to their communities.

SAFEGUARDING AND REVITALIZING COMMUNITIES

Preventing and cleaning up environmental pollution that harms communities and poses a risk to public health and safety continue to be a top priority for the Administration. The FY 2024 Budget enables EPA to collaborate with Tribal, state, and local partners to improve the livelihood of all residents of the United States by addressing contaminated sites, including Superfund, brownfields, leaking underground storage tanks, and other waste sites and restoring them to productive use.

An estimated \$2.5 billion in Superfund tax receipts that will be available to EPA in FY 2024, combined with IIJA funding and appropriated resources, will enable the Superfund program to continue with a renewed urgency cleaning up some of the Nation's most contaminated land and respond to environmental emergencies and natural disasters. This historic level of funding will allow EPA to advance critical Superfund pre-construction work such as site characterization, construction design, and community outreach/engagement. Additionally, this funding will allow the Superfund Emergency Response and Removal Program to effectively and efficiently address situations that require emergency response and removal actions such as chemical releases, fires or explosions, natural disasters, and other threats to people from exposure to hazardous substances, including from abandoned and uncontrolled hazardous waste sites. The Budget also includes \$217 million for EPA's Brownfields programs to provide grants and technical assistance to communities so they can safely clean up and reuse contaminated properties, as well as \$20 million for the new Alaska Contaminated Lands program. Taken together, these investments will ensure EPA is cleaning up sites and fully engaging the communities we serve in the process.

ENSURING THE SAFETY OF CHEMICALS FOR PEOPLE AND THE ENVIRONMENT

Chemicals and toxic substances are ubiquitous in our everyday lives and are often released into the environment from their manufacture, processing use, or disposal. EPA has significant responsibilities under amendments to the Toxic Substances Control Act (TSCA) to ensure the safety of chemicals in or entering commerce and

addressing unreasonable risks to human health or the environment. The FY 2024 Budget includes \$131 million and 534 FTE to support the TSCA Program, an increase of \$48 million and 174 FTE over the 2023 level. EPA will continue to emphasize quality of work, adherence to statutory intent and timelines applicable to pre-market review of new chemicals, chemical risk evaluation and management, data development and information collection, and review of Confidential Business Information (CBI) claims. These resources will support EPA-initiated chemical risk evaluations, issue protective regulations in accordance with statutory timelines, and establish a pipeline of priority chemicals for risk evaluation.

The agency also has significant responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to screen new pesticides before they reach the market and ensure pesticides already in commerce are safe. In addition, EPA is responsible for complying with the Endangered Species Act (ESA) and ensuring that federally endangered and threatened species are not harmed when the agency registers pesticides. To continue making progress toward meeting ESA mandates in FY 2024, the Budget includes an additional \$27 million in our environmental pesticides program, including an additional \$10 million to support Endangered Species Act Pesticides Review to improve EPA compliance in pesticide regulatory activities and develop improved methodologies for ESA review.

ELEVATING ENVIRONMENTAL JUSTICE

The development, implementation, and enforcement of environmental laws, regulations, and policies has not always ensured the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income. To help address these inequities, EPA created a new national program in September, the Office of Environmental Justice and External Civil Rights, to lead our efforts in this area and embed environmental justice practices into EPA programs.

In FY 2024, EPA requests more than \$375 million and 265 FTE for the Environmental Justice Program to expand support for community-based organizations, indigenous organizations, tribes, states, local governments, and territorial governments to identify and develop solutions to environmental justice issues through multi-partner collaborations. This includes \$130 million in four environmental justice grant programs and \$91 million and 50 FTE to build out community-centered technical assistance hubs. The Budget provides a total of \$31 million, an \$18 million increase, to build civil rights capacity across EPA and to reduce the backlog of civil rights cases. In the long term, the vigorous enforcement of civil rights laws will address historical and systemic barriers that contribute to the environmental injustice affecting vulnerable communities. The Budget proposes additional funds and FTE to increase protection of frontline communities with disproportionately high pollution exposure through improving inspections, compliance assistance, and monitoring capacity in those communities.

CONTINUING TO RESTORE EPA'S CORE CAPACITY AND FOLLOWING THE SCIENCE

The Budget adds more than 1,960 FTE relative to the 2023 enacted level, for a total of more than 17,000 FTE, to help rebuild EPA's capacity. The Budget also will dedicate resources to continue strengthening the agency's ability to recruit, hire, develop, promote, and retain top talent and remove barriers to equal opportunity at management and staff levels to strengthen and advance diversity, equity, inclusion, and accessibility.

Ensuring EPA has the work force it needs to carry out its mission to protect clean air and water, tackle the climate crisis, and promote environmental justice is essential. A commitment to follow the science underpins EPA's work, and this budget includes \$968 million for the Science and Technology account, an increase of more than \$165 million above current levels that will ensure programs have the best available data to inform decisions.

CONCLUSION

All people in this country deserve clean air, clean water, and safe land on which to live. This is the core of EPA's mission and is a worthy investment of Federal resources. The FY 2024 President's Budget positions the EPA to advance our vital mission of protecting human health and the environment, championing environmental justice, and tackling the climate crisis. With these investments we lay the groundwork to ensure the benefits of a cleaner environment for future generations.

Thank you for the opportunity to be here today. I look forward to our continued partnership to achieve our goals and welcome any questions you may have.

Senator MERKLEY. Thank you very much. Now, we are going to have seven-minute rounds, and I will ask everyone to wrap up their questions as their time run out, so we can make sure everyone gets a chance to ask their insights, and we will have probably an opportunity for several rounds.

I will just begin, Administrator Regan, by asking you about the House Majority proposal to freeze funding to fiscal year 2022 levels, and consequence as it would translate to EPA State Tribal and Local Grant and Infrastructure accounts by nearly—it would cut it by nearly a billion dollars, including a \$600 million cut on the program that would replace lead pipes, and upgrade drinking water systems, and support other water infrastructure.

It seems like that is at odds with bipartisan support for water infrastructure. But I wanted to see—or give you an opportunity to clarify what that House proposal would do?

Mr. REGAN. Well, thank you, for the question. And our job is fundamentally about keeping people safe, to safeguard the very things that we all as Americans hold dear, like the insurance that when our children turn on their tap water the water they drink will be clean, or when they play outside the air that they breathe will be safe. Undoubtedly, if we were to roll back the budget to 2022 levels, it would force us to make some very difficult, difficult decisions in terms of protecting the health and safety of all Americans.

It would also cut hundreds of millions of dollars from programs that impact the market. We understand that there are pesticides and herbicides that need to make it to the markets, to give all of our farmers the tools that they need to be successful to feed this country.

And so there will be significant impacts on the EPA's ability to put significant products on the market, to continue to help this country be competitive from a global economic standpoint, but more importantly sacrifice, potentially, the health and safety of some of our fellow citizens.

Senator MERKLEY. So if I can simplify, just to the lead pipes issue, since that is a condition affects the developing brains of our babies and our children has been a big concern. Would that proposal significantly cut the removal of lead pipes, resulting in more damage to more children?

Mr. REGAN. It absolutely will.

Senator MERKLEY. Thank you. In April 21st, President Biden signed an Executive Order for a whole-of-government approach to environmental justice, and you have significant responsibilities under that order. It directs the Agency to use science and data to make determinations about project permitting. Can you share what the most important tools are that EPA gained in that Executive Order, and how you plan to use them to directly impact environmental justice communities?

Mr. REGAN. Well, you know, thanks to the President's leadership he made environmental justice a pillar of this administration from day one. And so we moved very quickly, thanks to your partnership, and others, to create a new national program. And by what I mean by "new" is we reorganized with the resources that we had. We put three offices together to focus on environmental justice and external civil rights.

There are a number of tools in that Executive Order that have been adopted by the White House that will be used across the Federal family, so that we can ensure that our regulations match with the direction that the White House and other agencies are pursuing, so that we can protect every single person in this country, equally, under the law.

We have made a lot of strides in environmental justice, I am proud of our environmental justice record, I am proud of the tools that we have at our disposal, but now we have an entire Federal family that is rowing in the same direction to ensure that all people in this country are protected.

Senator MERKLEY. And you have proposed a very significant increase in the Environmental Justice Funding, can you translate just in common language, what that will mean for communities that have been burdened by high levels of toxic chemicals?

Mr. REGAN. It will be tremendous. You know, I believe as a former state regulator, that states know their communities quite well, and communities know them even better. And many of the solutions that communities have had for decades, on helping to reduce pollution, and remove themselves from the frontlines, need to be matched with funding. With the request that we have asked, it gives us more personnel to be out in the fields, engaging with the communities, looking at those solutions and matching those with the significant grants, and resources that the Agency can bring to bear.

In some cases because of income, and because of race, because of ZIP code, we are seeing an undue and unfair burden on our constituents, whether it is Lowndes County, Alabama, or whether it is McDowell County, West Virginia, this is an issue that plagues this country, and it is our job to be sure that every single person in this country has access to clean air clean water.

Senator MERKLEY. Thank you. I am very pleased to see the proposal for the Greenhouse Gas Reduction Fund, or the Green Bank that EPA is starting to implement as part of the Bipartisan Infrastructure Bill. Oregon certainly has ambitious renewable energy goals, and there is an opportunity for that kind of funding. Oregon does not have its own Green Bank in place, however.

Will you commit to making sure that Oregon and other states that don't have their own Green Banks can still have access to the Greenhouse Gas Reduction Fund?

Mr. REGAN. Absolutely.

Senator MERKLEY. Thank you. And what is your plan for ensuring that funding actually makes it to environmental justice communities?

Mr. REGAN. Well, at EPA we have built environmental justice into our very DNA, and so number one, we have some very concrete metrics that are attached to this \$27 billion to be sure that disadvantaged communities and those who are disproportionately impacted have access to this capital. We have planned to make two to three awards under the National Clean Investment Fund, an additional to seven awards under the Clean Communities Investment Accelerator, which will definitely partner with more grassroots organizations, community development banks, and the like.

And then we have about \$6 billion to focus on—or \$7 billion to focus on a Solar for All Competition. And so we are going to build in the metrics to be sure that those who need these resources the most have a seat at the table and have an opportunity to invest in this new clean energy economy.

Senator MERKLEY. In 25 seconds, do you want to explain the Solar for All?

[Laughter.]

Mr. REGAN. You know, this is an opportunity to provide up to 60 grants to states, tribal governments, municipalities, and non-profits, to expand, specifically, the number of low-income, and disadvantaged communities that are prime for investments in residential and community scale solar.

Senator MERKLEY. Thank you. Perfect.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Administrator Regan, I mentioned at length in my comments my concern with regards to the Wood Heater Program and the certification, and have suggested that it is—it is unacceptable that the communities of Fairbanks and North Pole are effectively going to bear this burden for actions where the Agency has failed, and that the program has to be fixed. I think we recognize that it has to be fixed, and I think it has to be done at whatever expense necessary.

So I appreciate the engagement that you and your staff have led on this, to right this, I am certainly following this very carefully. But I do understand that you have recently responded to the Inspector General Report. Can you tell me what steps the EPA is taking, internally, to improve the wood testing and certification standards, and the enforcement of those standards?

Mr. REGAN. Well, thank you for the question. And we are absolutely taking the OIG's report very seriously, and in implementing some of those recommendations we are strengthening our commitment to work with the Alaska DEC, Fairbanks North Star Borough, and other key people in the community. We are also designing a program using \$15 million in funding from IRA for testing and other activities to address these emissions from the wood stoves.

I want to let you know, Senator, that this issue has my attention. We will continue to prioritize it with these IRA dollars, with the OIG Report, and with enforcement discretion, I believe that we can resolve this issue.

Senator MURKOWSKI. I appreciate that. I appreciate the commitment that you have made to reform this program and making that a priority. You have also heard my thanks for EPA's leadership in the ANGSA contaminated lands effort. I think you would agree with me that this is one of those situations when we talk about environmental injustice, you can you can park this program here, right there under that category.

So I am going to continue to be a very zealous advocate for our Alaska Native communities, and in righting this. We have made some good progress, but I think we recognize that there is so much, so much that has to be done in this area.

So I would like your commitment that the Agency will maintain its leadership role on the issue, and to continue to work with me

on all avenues so that we can move the needle on ANGSA contaminated lands.

Mr. REGAN. Absolutely. And we are really excited, in the Inflation Reduction Act there is a couple of programs there that we can access through that environmental justice lens to help expedite some of the work that we have partnered on. So I am really excited about that. And thank you for the inclusion of the 20 million in the fiscal year 2023 annual appropriation. I think we are going to leverage all these resources to finally bring some justice to this situation.

Senator MURKOWSKI. Good. Well, that is excellent, excellent to hear, and to think—to know that you are looking at the opportunities within IRA, so I would love to have further conversation with you. I know we had hoped to have a call before this hearing, perhaps we can do it as a follow on. But I thank you for.

Mr. REGAN. Absolutely.

Senator MURKOWSKI. I also mentioned my concern with how the rollout, or how the implementation of CDS projects is coming through the Agency, and I have suggested, and would strongly encourage EPA to explore some creative solutions to expedite these project awards; whether it is co-management with states, programmatic, NEPA, or categorical exclusions, any of these other ideas. I am not convinced that funding for hiring more personnel is the sole solution, and may not even be the most efficient.

But know that I am ready, willing, and able to help secure new authorities in appropriations bills if it is needed. So I guess what I would like to hear from you this morning, is whether you also are concerned about the execution and the process, going forward. And whether or not we need to speed up project awards, and make it a top-tier priority like I do.

Mr. REGAN. Yes. It is a top-tier priority. I am concerned with the speed of getting these resources to these communities. So we are looking at innovative ways to do so, while maintaining, or staying within those lines that would be sufficient for oversight. We are also—many of these communities have never received this level of funding before.

Senator MURKOWSKI. Right.

Mr. REGAN. And so we are having to deploy a lot of technical assistance in new programs to be sure that they are prepared to receive these dollars, and stay within the bounds of the law. I believe with the \$15 million received last year, a fresh approach to looking at how to streamline this, and pushing out more technical resources, we can begin to get this program on the right track.

Senator MURKOWSKI. Well, I would ask that we have an opportunity to have a follow-on meeting with your team and in our committee staff, to discuss some of the ideas on how we can really improve this, especially ones outside of asks for more funding for staff. So if you can commit to working with us on that?

Mr. REGAN. I do.

Senator MURKOWSKI. Good, very good. PFAS, everybody is talking about PFAS, rightfully, and certainly in Alaska we remain very, very concerned. We had included 10 billion in the Bipartisan Infrastructure Law to begin tackling PFAS, I think that is a good investment. When I talk to communities in my state, they very

much want to take on PFAS, but they are concerned about national regulations, and how they could, potentially, amount to new unfunded mandates.

They also expressed that the State of Remediation Technology is not as advanced as it should be. And we have got some groups in Alaska that I think are being innovative, and working on some cutting-edge PFAS remediation technology, that is encouraging there.

But how do you view the concerns of communities that are going to have to meet these stringent drinking water and CERCLA Standards, with no further financial help from the government? And I mean, are we in a good place with testing and remediation technologies? Are they affordable for the water systems; ready to be applied at a national scale? Everybody is talking about this.

Mr. REGAN. Yes. I can say, coming from North Carolina and facing this firsthand, a lot of small communities, that is first and foremost on my mind, of the \$10 billion for PFAS, and BIL, we know that 5 billion is dedicated specifically for small, disadvantaged rural water systems. We want to continue to match those dollars with our traditional budget, and dollars from USDA, and other places, to be sure that our small, disadvantaged and rural communities aren't left behind.

We do believe, and we are investing in new testing methods to detect this. We also know that there are existing technologies we are hoping that those costs will come down. But we want to engage with communities, like the ones you have mentioned, that have some innovative ideas for mitigation, and detecting, because we are in that research and development mode, and all options should be considered.

Senator MURKOWSKI. Well, hopefully we will have an opportunity for you to meet some of the folks that are moving out on some of these good ideas. Thank you.

Thank you, Mr. Chairman.

Mr. REGAN. Thank you.

Senator MERKLEY. Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

And thank you, Director, for joining us today. And like many of my colleagues, I am still reeling from the proposed House Republican budget which would substantially cut EPA. In fact, I think from your letter, you indicated it would be the lowest funding level since 2013.

In 2013, I was Chairman of the committee, and Senator Murkowski was the Ranking Member. A lot has changed since 2013.

Mr. REGAN. Yes.

Senator REED. And a lot of new problems have emerged, and would be requiring resources to deal with those problems. One of the issues we have all spoken about, is the lead pipe challenge, and making sure everyone has clean, drinking water. The proposed Republican budget would slash \$626 million from that program, would set it back tremendously.

But there are so many other areas, and one area that I think would be also hit would be appropriate staffing levels for EPA, so it could do its job. Is that a concern you have?

Mr. REGAN. It is a concern. It is a concern, whether it be thinking through our enforcement capabilities, to help disadvantaged communities that are impacted by lead, or by PFAS, or by, you know, chemical facilities. Or again, whether it is, in my engagements with our agriculture community, the courts have taken away so many tools from our farmers. They have taken so many pesticides and herbicides off the shelves. We need the staff and the resources to get new products on the market so that farmers can have all the tools that they need.

Senator REED. Well, I think also from your experience as a state regulator, you know that one of the most frustrating things is to go to a regulatory agency, and because they are understaffed, underfunded, they are not able to respond to a request for permit, or anything else.

And what that does is undercut, frankly, the faith in the institution. And I am beginning to think more and more that this approach of budget cutting, is not just about saving money it is about devaluing the institutions that are necessary to compete, and succeed in this world. That might be more commentary than question, but any thoughts you have?

Mr. REGAN. I think that is absolutely correct. Listen, I have spent more time than any administrator with our agriculture community. I just did a session with a bunch of CEOs and executives from the auto industry, you know, I have met with all of our CEOs in the power industry, we have staff that are working with their staffs to be sure that we are taking advantage of the latest technologies. And we have forged a relationship so that we can keep this country globally competitive. Reduction in staff really does reduce our ability to help our economy grow, and help us to be sustainable.

And with respect to the lead pipe issue which we talked about, I can't emphasize enough how critical, as you know, because exposure to lead in a child has extreme consequences, neurological development, cognitive development, and there are a lot of young people, because they have been not fortunate enough to live in wealthy communities, have been exposed to lead-infected, perhaps water, and their ability to function is impaired for a lifetime.

So this is a—I think not just an issue of cost-benefit analysis, it is also a moral imperative, and I think we have to do much more. And cutting these monies seems to me to be, not just inefficient, but rejecting a commitment we should have.

Mr. REGAN. I absolutely agree. We received, fortunately, \$15 billion from the Bipartisan Infrastructure Law, but over the past year we have worked with every state in the country, we have developed a more robust inventory, we know that we have 9 million lead service lines in this country, we know that is close to \$40 billion in needs, we have to close this gap. There is absolutely no acceptable or safe level of lead exposure, for our children, or for anyone.

Senator REED. Thank you very much, Director. Director, one of the programs we were able to pull together was the geographic programs of EPA, and we were fortunate enough to create one that dealt with the Southern New England, that is the Southern New England Program, or SNEP, and one of the critical reasons it is a problem that Senator Murkowski doesn't have, because Alaska is

pretty big, but Narragansett Bay occupies a large portion of our state, but its waters come from two adjacent states, Massachusetts and Connecticut.

So unless we have a regional approach to issues of pollution, et cetera, we can't, literally, effectively control the quality of water in Narragansett Bay, the quality of water throughout Rhode Island. So we have this program, which is extremely effective, and it is one of several programs throughout the United States, and again that they are in severe jeopardy of being eliminated, underfunded, or understaffed. Can you speak to the importance of these programs, and also the efficiency?

Mr. REGAN. I can. Very important program; and listen, in the President's budget there is an increase of \$78,000 above 2023 that we would like to help ensure—in both this program. The SNEP Program, as you said, serves as a hub to enable protection and restoration of coastal watersheds of the Southeast New England. Protecting these watersheds and ecosystems, ecosystem services provide and help sustain the region's communities' and environmental assets well into the future.

And I will say that we recognize this program draws on a network of stakeholders, and experts that seek out, and support innovative practices, that complement the work that all of us are doing to protect this watershed; so extremely, extremely important. And also a great organization and a great program that does a lot of good work, not just for the ecosystem, as you know, but for the economy in our New England states.

Senator REED. Yeah. Well, thank you, very much Mr. Director. Thank you, Mr. Chairman.

Senator MERKLEY. Senator Britt.

Senator BRITT. Thank you, Mr. Chairman.

Mr. Administrator, thank you for being in front of our committee today. I appreciate your work and your interest in Alabama. Your reference to Uniontown is something that I appreciate. It is something that I have been working on for years. Actually, as a staffer in this very building, got to work under Senator Shelby's leadership to help secure a \$23.4 million grant from USDA Rural Development, to get to work on this very issue.

Additionally, we added that to Congresswoman Terri Sewell's work on the outside, with a \$1.8 million revenue stream moving to help fix this problem. We certainly know and believe that we have to upgrade, and repair these systems, and so certainly look forward to working with you moving forward.

Mr. REGAN. Absolutely.

Senator BRITT. As you know, Congress disapproved, a few weeks ago, of EPA's new WOTUS Rule, and I am grateful that Alabama is currently protected from its impacts by a Federal Court ruling.

When Farmers wake up early in the morning to take on their day, from feeding their cows, to mending fences, to planting, to harvesting, they have enough on their plate. They should not have to worry that ponds, ditches, or mud holes on their private land are federally regulated.

The uncertainty of Biden's WOTUS Rule has created, and continues to create unsustainable state of shifting permitting in this country. The cost is hundreds of thousands of dollars for Americans

to comply with ever-changing regulations. Alabamians shouldn't need to pay a lawyer to find out if a ditch on their land is now federally regulated.

Mr. Administrator, when the EPA calculated the economic cost benefits of the new Biden WOTUS Rule, did the EPA consider the impact of that uncertainty that was created by the ambiguity?

Mr. REGAN. You know, thank you for the question and, you know, I think that I would like to say that I have tried my best. I have met with more of our AG constituency than any administrator prior to me.

Senator BRITT. Appreciate that.

Mr. REGAN. And I also know though, that the ambiguity isn't just solely on EPA. I think multiple Supreme Courts have weighed in on this, at least three to four administrations have tried to get this right. What we have done is we have taken a look at what the courts have ruled prior, what the Supreme Court has said prior, and we attempted to put a rule in place that was much more durable, legally, than we have seen in the past.

Senator BRITT. Do you think it had an economic impact?

Mr. REGAN. Well, I think that everything that we do can have a plus or minus economic impact, which is why we work so hard to provide the certainty that other administrations have failed to provide so far.

Senator BRITT. So on the primary economic analysis on this WOTUS Rule that said it would have no economic impact, and you signed off on that. Do you agree with that assessment?

Mr. REGAN. I think that your question in terms of uncertainty of the economic impact is one that we—I would not say reject the premise of the question, but the economic assessment that we do is based on our legal assessment of what the law requires, and what we put in place so that farmers do have the certainty to comply with the rule. And I will say that, worked very closely with Secretary Vilsack at USDA, to be sure that as we implemented the rule, we will be able to leverage resources across the Federal family.

So we believe that the economic impact would be positive because we thought that the farmers and the farmer community would have some certainty.

Senator BRITT. Well, I can assure you that there are economic impacts, and unfortunately many of those have been negative. In Alabama alone, SBC says over 64,000 small businesses have been impacted by this, and that is 165,000 employees. So I am of the belief that our cattlemen, our foresters, and our farmers, have tended their land for generation upon generation, and they actually depend on the fruitfulness of that land to continue to do the job that they love.

And I believe that food security is national security, and if we can't feed or clothe ourselves, nothing else matters. So I appreciate your attention to the negative economic impacts that have come as a result of this.

I have noticed a pattern of concern from people coming to my office discussing the EPA. Many have feared that the EPA is regulating past what science will support, or technology that is available. Just to put it bluntly, Alabamians fear that EPA regulations

are more predicted based on the Green New Deal ideology, than that of the Science and Technology before us.

With PFAS, the current EPA proposal stretches the limits of what can be consistently tested. Complying with the levels proposed, even if possible, would divert millions of dollars from needed infrastructure upgrades, and worse, the term that I continue to hear from people is “bankruptcy”.

For power plants there are fears that the EPA will impose technologies that are not readily available, or that can actually not be implemented at this time. And of course there is pesticides; in 2021 your Agency eliminated the use of chlorpyrifos for soybeans, cotton, and for other crops.

In the past, you have said you agreed with USDA on the science of this pesticide, and actually the Secretary of USDA has personally written that there are safe uses to this product. Since then there has been—blame that has been shifted to the Band on the Ninth Circuit Court, for quote, “Setting the bar too high.”

I understand that the Band was consistent with obviously the platform, with the Democratic Party in 2020, but I get the political dynamics, but I am asking you, what I don’t understand is: Do you think that there are good uses for this? And if so, how can we get back to utilizing them?

Mr. REGAN. Well, I think that Secretary Vilsack and I are, number one, working very closely together.

Senator BRITT. That is great to hear.

Mr. REGAN. Number two, we both believe in shared science. I think what Secretary Vilsack has said a number of times, publicly, and I will repeat it, is that, you know: USDA has its perspective, EPA has its. But I am the one that has to show up in front of the judge. And when the Ninth Circuit set the bar so high, that EPA had a burden of proof that, historically, has never been placed before, we had to make a decision to follow the law. So I think there is a way that you can follow the law and the science. And they may not agree—

Senator BRITT. What about the 11 safe uses? Do you feel like we can allow growers—can EPA find a way to allow growers to use those?

Mr. REGAN. I think that what the EPA has done, and will continue to do, is try to meet the bar that the Ninth Circuit has set. I think we can talk science for days, and I think we can get to some agreements on sort of impact science. But I think when the courts give you a mandate—

Senator BRITT. Has EPA appealed that mandate?

Mr. REGAN. I think EPA presented the best case it could.

Senator BRITT. But you have not appealed?

Mr. REGAN. So let me just be clear. That the courts, in its writing expressed serious frustrations with the Agency’s decisions in the past, and expressed serious frustrations with where we were on chlorpyrifos, on endangered species, and the like. So, you know, you can only tempt fate for so many times, and what I pledge to do, as Administrator, is respect the letter of the law.

Senator BRITT. I would hope that you would consider repealing that, and helping farmers find a way to use the eleven safe uses of this.

Thank you so much for your time. I have run out. Thank you.
Mr. REGAN. Thank you.

Senator MERKLEY. Senator Murray.

Senator MURRAY. Sell, thank you very much, Chair Merkley, and your Ranking Member, Senator Murkowski.

It probably feels like everybody has heard me say this a million times, but it matters, so I am going to say it again. As we continue our progress to return to regular order, this hearing provides another critical opportunity to look at why it is so important to families, that we all work in a timely bipartisan way, to pass our funding bills and make sure we are actually providing the resources necessary to keep people safe, because safety is about more than just how strong our military is, families want to know if they have clean air and clean water, and that their kids aren't being sickened by pollution.

Fishers and our farmers want to know the ecosystem that they rely on, that our economy relies on, is not being harmed by dangerous chemicals, and communities want to know we are making meaningful progress to cut emissions, and fight the expansive existential threat, that is the climate crisis.

The bottom line is that if we want to make sure people in this country are safe, we need to make sure they aren't breathing smog, or drinking contaminated water, or being exposed to chemicals, like PFAS, and by the way, we are learning more and more about just how serious a threat PFAS is to public health.

So I hope and expect this committee will work in a bipartisan way to deliver solutions. PFAS or "forever chemicals" aren't just toxic, they are everywhere, to the point where they can even be found in our blood. We need to make sure we are cutting down on pollution, not cutting the funding EPA needs to protect our kids. So I am glad we have this opportunity today to talk about the critical issues that are threatening our environment, our economy, and our families. And how we can get EPA the resources it needs to keep our country safe, healthy, and competitive.

With that, Mr. Administrator, thank you for being here. I am going to talk about Pacific Puget Sound recovery, and salmon, and steelhead recovery, remains, as you know, an urgent undertaking in my home state. And EPA's geographic programs, and National Estuary Program plays an important role in habitat restoration for those foundational species.

The fiscal year 2023 Omnibus included robust funding for those programs, and that Congress authorized the new Puget Sound Recovery National Program Office in EPA, and a Puget Sound Federal leadership Task Force.

I am really glad to hear that the first task force meeting is actually taking place tomorrow. But can you give us an update on the work that EPA is doing to stand up both those entities, and what resources may be necessary to better coordinate restoration and protection in Puget Sound?

Mr. REGAN. Well, first of all I want to thank you for your leadership on the Puget Sound. And we have been a partner for a long period of time. I believe Deputy Assistant McCabe recently visited. Of the fiscal year 2023 increase of \$20 million, 17 million of that is immediately going towards the Strategic Initiative Lead Cooper-

ative Agreements we have for safe shellfish habitat and stormwater projects in Washington.

For our tribal partners, the Northwest Indian Fisheries Commission is working to finalize the work plans for each of the tribes in the next couple of months for ongoing tribal-led projects. And so we plan to announce a second round of funding in the coming months.

We also have an RFA of up to \$30 million out to support riparian habitat and climate resilient projects. And so there is a number of resources; a number of strategies put in place to be sure that our partnership is strong on the Puget Sound.

Senator MURRAY. Thank you very much. I appreciate that. Administrator Regan, as you know, House Republicans last week voted for very deep across-the-board cuts to discretionary spending over the next 10 years. Can you talk about how those steep cuts would undermine EPA's ability to respond to an address PFAS contamination already in our environment?

Mr. REGAN. Well, thank you for that. And we know that PFAS is such a visceral issue that we are all having to address, and we can't ignore the science. We have put in place a PFAS strategic roadmap, we have about \$10 billion from BIL to address PFAS, but we all know that that is not enough. Many of our small, rural communities are struggling with this issue. And so, we are working very strategically with the resources we have on R&D, partnering with our Federal family, to determine the safe levels, and how to regulate this "forever chemical".

And as we do such, we are also leveraging billions of dollars from the Bipartisan Infrastructure Law to ensure that disadvantaged communities and rural water systems have access to those resources, so that they can keep pace with these regulations.

Listen, it is our job to keep people safe, and we recognize that there are technologies on the market, and they are expensive, and so we are trying to work on a path where we can bridge that gap between safety, and technology, and detection. And that is what we are doing on behalf of the American people.

Senator MURRAY. And how would the House budget that they passed affect that?

Mr. REGAN. It would significantly set us back. The House budget cuts on PFAS, on lead, on chemical detection in this country would significantly set us back. And as I said in my opening statement, we are moving forward, we need to continue to move forward, because there is so much more work that needs to be done, we shouldn't be moving backwards, especially on TSCA, PFAS, lead, and getting tools out there as herbicides and pesticides for our farming community.

Senator MURRAY. Okay. And I was really pleased to see the recent \$400 million notice of funding opportunity for the Clean School Bus Grant Program that we established in the Bipartisan Infrastructure Law, and I was glad that you were actually out in Washington State last October to highlight this, and the difference it is going to make.

This is a program that is so great, it is really going to improve the health of kids and communities across the country, and cut costs for our schools, and reduce emissions, and support good-paying jobs. So I was pleased to see that.

I want to ask you, during the application phase, and in the review process, how is EPA going to work to make sure that our underserved communities, including those on the prioritized school district list, are competitive in this program?

Mr. REGAN. We have been doing that from day one. Of the billions of dollars that have hit the streets so far, 99 percent of the grants have gone to rural, disadvantaged, or low-income communities. And I have to say some of my best visits around Electric Yellow School Buses have been in some of our rural communities. Rural places like Alma, Kansas, where they are using these school buses, not only to transport children to and from school, but those batteries are serving as backup capacity for the rural electric cooperatives. So these communities are being very strategic in how we use this technology beyond the yellow school buses. And it is really exciting to see our rural communities do that.

Senator MURRAY. That is great. Thank you so much.

Thank you very much, Mr. Chairman.

Senator MERKLEY. Well, thank you. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman.

Administrator Regan, I was glad to see that the EPA issued an Emergency Fuel Waiver last week to allow E15 to be sold this summer. Providing access to E15 helps families save money at the gas pump, it is better for our environment, and it boosts our nation's energy security.

While the Emergency Fuel Waiver is a good thing, I believe we need a permanent fix, and I have a bipartisan bill for that, to be the Consumer and Fuel Retailer Choice Act, it ensures a nationwide permanent access to E15.

Mr. Administrator, will you commit to working with me to get this bill out there and, hopefully, enacted so that we can ensure that we have that E15 for our consumers in future years?

Mr. REGAN. The President has pledged that biofuels, especially advanced biofuels, would play a part in this economy as we move forward. So I look forward to partnering with you and your staff, with technical assistance to be sure that we can make E15 more accessible.

Senator FISCHER. Great. We look forward to working with you on that. Thank you, sir. I would like to also discuss a proposed rule on reporting requirements for emissions from animal waste under Emergency Planning and Community Right-to-Know Act (EPCRA).

In 2019, when EPA proposed to the current exemption for animal waste, air emissions, the national association that represents State Emergency Response Commissions, the Tribal Emergency Response Commissions, and local emergency planning committees was supportive of this narrow exemption.

In a letter to EPA in 2017, they stated about EPCRA Emergency Release Reports for animal waste emissions, quote, "These reports are of no particular value to LEPCs, and first responders. And they are generally ignored because they do not relate to any particular event."

EPA has requested an additional \$8.4 million for state and local prevention and preparedness under your EPCRA authorities. Do you believe that that is a good use for EPA resources to require reporting of animal air waste emissions, or to put it more frankly,

manure smells, that local emergency planning commissions have stated are of quote, “No particular value”?

Mr. REGAN. I would say that we are responding to a couple of things. The first is we have had some of our states, request that we take another look because technology has evolved, access to data has evolved, a number of communities on the ground have requested this, so this isn’t a rulemaking, this is our desire to re-evaluate, sort of how this plays into the broader decisionmaking at the state and Federal level.

Senator FISCHER. Have you reached out to all states to the Department of Environmental Quality, for example, have you reached out to all states on that? Or are you, basically, hearing just from the states that want to have a new look at it?

Mr. REGAN. Let me circle back and see—

Senator FISCHER. Okay.

Mr. REGAN [continuing].—if we have heard from all 50 states on this, and how we have been communicating with all of our states on this, revisiting this. I can follow up with you on that.

Senator FISCHER. Okay. That would be great. Because I know there are probably just as many states that would take an opposite view, on it, and as you said earlier, to one of the questions that my colleagues ask: It is important to follow the science on it, and make sure that we are promoting fact-based policies that have a tremendous impact on each individual state, depending on their situations.

The Bipartisan Infrastructure Law, which I supported, it made historic investments in water infrastructure, and in many cases targeted those resources towards disadvantaged communities. The law continue to defer to states on how to define a disadvantaged community for many programs, including those state revolving funds.

This flexibility to tailor resources towards an individual state needs, I believe is definitely a benefit and it is not a flaw of the state revolving funds. I have heard both concerns and also a lot of confusion on how EPA is overseeing these programs, or how you might oversee them in the future.

I think some of the confusion has grown because of various memos that have been put out, and guidance from the EPA, and from administrative executive orders. For example, Justice40 Initiative, created by the administration states, “A goal of providing 40 percent of the benefits of Federal investment towards the disadvantaged communities.”

Can you tell me just how the Justice40 Initiative squares with explicit statutory considerations, such as in distributing the State Revolving Funds? For example, does EPA have their own disadvantaged community definition? Do you require 40 percent of the state’s project to meet that definition, if you do have that?

Mr. REGAN. So I can answer it, in terms of the way you have framed it with the State Revolving Loan Fund, you know, by law, 49 percent of those resources go to disadvantaged communities. And I think we were quick out of the gates to partner with our states. I am a former state regulator so I understand the importance of that.

And listen, there were people that had doubts, but I can say that working with Senator Capito in West Virginia and some of our southern states were the first to revamp their definition of disadvantaged communities, so that we could get this money out the door much quicker than needed.

And so I believe that Justice40 is perfectly aligned with the traditional construct of this program. And I was very pleased, in the first year of the Bipartisan Infrastructure Law, that many of our states brought their definitions up to speed. These definitions look different in different states because of different makeup, and lots of other issues, but I believe that our states have a critical role to play.

And the last thing I will say is, that is true with this budget request, 85 percent of the increase in our budget goes to states and tribes. Our states are very strong partners with this Agency. And I am very proud of that.

Senator FISCHER. Thank you very much. Thank you, Mr. Chairman.

Senator MERKLEY. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman.

I want to thank you for being here, Administrator. I want to talk to you, broadly, about the Superfund Program. There are 17 active sites in Montana, 1,300 nationally that are in the process of being cleaned up. Your budget says nationally, 22 percent of our population lives within three miles of a Superfund site. And you also talk about how successful, impactful the work of the program is on the health of families, and children, who live and grow up in these areas.

In the last Congress, we worked together, members of this committee, in a bipartisan way, to provide EPA one of the largest funding increases for any Federal Agency, largely, to accelerate and expand the work of the Superfund Program.

In your opening statement, you talked about moving forward, not moving backward. However, your budget request for the coming fiscal year is only 25 percent of the fiscal year '23 allocation.

Now look, I have sat on this committee for a while, I have chaired a few committees, and I have been in Democrat and Republican administrations, and they both tend to play games. The truth is we don't play games with Superfund sites. There was a lot of funding made available through a process called the Bipartisan Infrastructure Plan, and the regular appropriations. We did that to address Superfund problems quicker, not to reduce annual appropriations.

Can you explain to me how the hell you can justify a 75 percent decrease from last year, because we haven't had a 75 decrease in Superfund demand?

Mr. REGAN. Well, Senator, thank you for the question; and absolutely, I agree with you that we don't need to move backwards, and don't need to play any games. The budget for this year is based on the transition of the traditional program to the Superfund Tax Receipt Program.

And so this was based on Treasury's forecast that a collection of 2.5 billion in Superfund tax receipts would be achieved in 2023 which will be available for use in our 2024 Superfund Program. So

we shifted from a traditional program that would ask for these allocations to the——

Senator TESTER. So let me ask it to you this way. So you are going to get it from self-funding methods, this is what you are saying, the tax that you guys apply to Superfund sites?

Mr. REGAN. Yes.

Senator TESTER. So your overall top dollar figure that you are going to spend on Superfund cleanup, this next year it is going to be as high or higher than what you spent last year?

Mr. REGAN. Predictions would say that it is going to be higher than what we did last year, which is why in this budget, we are asking for a few more staff so that we can keep going.

Senator TESTER. I appreciate that.

Mr. REGAN. Yeah.

Senator TESTER. And we are going to hold you accountable to it, okay?

Mr. REGAN. Okay.

Senator TESTER. Administrator Regan, I want to talk specifically about Waste In Place remedies for Superfund sites. We have got a lot of these sites in Montana, Butte and Riverstown, there are others; I can tell you that a lot of folks in these communities and across the state are really concerned about Waste In Place remedies.

Last year, when you testified before this committee, I discussed this issue with you. I sent you a detailed letter outlining my concerns about this remedy. Guess what? I didn't get a response. So we are going to start again, okay?

Can you tell me how community members concerned about Waste In Place remedies can raise concerns with your agencies and receive honest answers, and answers that don't come from the corporation that is responsible for the Waste In Place in the first place?

Mr. REGAN. Well, number one, we should definitely get you that response in a much quicker time, and we will do that. I will circle with staff.

Senator TESTER. Even a response, period. Not only in quicker time. I didn't even get one, okay?

Mr. REGAN. All right; point taken.

Senator TESTER. All right.

Mr. REGAN. Community engagement, we have beefed up our community engagement. We, at EPA, need to be on the ground in these communities walking through.

Senator TESTER. Gotcha. And we are going to get to that point in a second on the community engagement. Tell me how, short of community engagement, that if I am a concerned citizen about Waste In Place, and I could actually get an answer from the EPA, when the senior U.S. Senator couldn't get an answer from the EPA.

Mr. REGAN. Well, number one, I will check with my staff. But I believe we have been on the ground. And I and I believe we have beefed up our community engagement opportunities. Because we want to be able to explain the science, the specific science, these are specific remedies on a case-by-case basis. And listen, I agree with you 100 percent, people need to feel confident——

Senator TESTER. If they are not bought in, you can't do your job.

Mr. REGAN. I agree with that.

Senator TESTER. Okay.

Mr. REGAN. I agree with that.

Senator TESTER. So tell me how the EPA verifies Waste In Place remedies are actually going to be viable over the long haul?

Mr. REGAN. Well, number one we believe and stand by the science in the Waste In Place, right? Number two, we have to explain the science.

Senator TESTER. So where is the science coming from?

Mr. REGAN. Well, number one it is from the programs, the Superfund Program.

Senator TESTER. Okay—

Mr. REGAN. We have some of the best scientists, and the best remedial experts in the world.

Senator TESTER. Does it include feedback from universities?

Mr. REGAN. It absolutely does, it includes feedback from universities.

Senator TESTER. Neutral parties to verify the science?

Mr. REGAN. Neutral parties, stakeholders, I am not saying that—we take all this information in, and no, we don't take everybody's advice 100 percent because we are the experts.

Senator TESTER. Does the verification include things like test wells that are being drilled, and sampling that is being done, and how flood mitigation is being planned for?

Mr. REGAN. Let me let me get back to you. Because the answer from my vantage point, is it should be, and I believe it is, because we have to do all of these things to ensure that when you store waste in a place for hundreds of years that it is safe for every community.

Senator TESTER. Yes. And by the way, this is in the middle of a prairie with no water around them, most of these Superfund sites are on water.

Mr. REGAN. Absolutely.

Senator TESTER. Okay. Now, I want to talk about community engagement, specifically as Butte comes about, the Butte Superfund Site. Two nights ago, there was a community meeting, where residents of Butte had the opportunity to express concerns about a lack of progress, and effectively, cleaning up the community.

The readout from that meeting it couldn't be clearer. Folks in Butte are frustrated with the process, and that is being kind when I say just "frustrated".

I will be blunt, Mr. Administrator, you need to fix it, you need to make sure this Agency is listening to folks on the ground. If it is happening in Butte it is happening everywhere. I am going to tell you, I could read you the news report from that meeting in Butte, there was nobody that stepped up and patted the EPA on the back, and said you guys are doing a good job. If they did, it was never reported.

And quite frankly, this has been going on a long time, man. I mean Butte wired this country in copper, and it created one of the largest, if not the largest Superfund Site in this country. And you have got Butte who is an incredibly resilient community that are really sick and tired of being jacked around.

And so I need your commitment that we will do, you will do, your people under you will do, the people in the communities, the people in the region are going to do their best, not only to listen, but to react to what they are hearing. Could I get that?

Mr. REGAN. Absolutely. Absolutely. And our people came back from that meeting on the 1st of May with that feedback taken to heart. So we are prepared to engage, and we are engaged Senator.

Senator TESTER. So I just want to tell you, this has been going on for a while. I mean, like a long time, like before I got here, and even longer. And I don't think the EPA has done a good job of listening to people for any time in that period. And now, you know, because there are two ways to listen: You can listen and ignore, or you can listen and take that feedback and try to do something positive for the community. That is what I want you to do.

Mr. REGAN. Well, and let me just, in defense of the staff, right. I am proud of this staff. And let me say, before the \$5 billion from the Bipartisan Infrastructure allowed, which we really appreciated from you all, this program was underfunded just like every other program. And so our ability to do outreach, and attend to all of these Superfund sites, all across the country.

Senator TESTER. We are way over. But I am just going to tell you something. The Forest Service came in and talked about underfunding, we fixed that. We are moving forward, we are not moving backward.

Mr. REGAN. I agree with you.

Senator MERKLEY. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman.

Thank you, Administrator Regan. It is nice to see you over here on in a different venue. We usually see each other over on EPW. I know you have been asked this question, but I wanted to reemphasize the issue, that on the CDS Funding delay; we have heard a lot of complaints at home. You know, you inform folks that they are going to be able to get a certain amount, particularly in the water projects area, you know, they can't move forward with their financing without the assurances and timeliness of the funding.

And so we heard our office was notified that the fiscal year '23 community recipients of CDS, did receive instructions to assist them in planning and preparing for their application process. I am glad to see that this is moving much faster than the fiscal year 2022. What is the status? I mean it has a single fiscal year '22 CDS funding possibility, has any of any of those dollars gone out yet?

Mr. REGAN. Well, Senator, the percentage is much smaller than I would like, and any of us would like.

Senator CAPITO. So has any gone out? Is the percentage bigger than zero?

Mr. REGAN. Yes. We have a number that is bigger than zero that has gone out?

Senator CAPITO. And what is that number?

Mr. REGAN. The number is 25.

Senator CAPITO. Mm-hmm.

Mr. REGAN. 25 awards, 117 applications, only 30 of those applications were complete; and 25 of that 30 have gone out the door. What we saw, number one, in the beginning was that EPA was significantly under-resourced and unprepared for this. But number

two, many of these recipients we have had to go above and beyond and provide technical assistance to, because they have never received this level of Federal dollars before. So to keep everyone in compliance, we have doubled down on our technical assistance.

So again, 30 completed applications, 25 of those went out the door, but we recognize we need to do better.

Senator CAPITO. Okay. Good. And I assume by putting out the guidance, or the instructions a little bit earlier this year, you are moving in that direction. You just mentioned under-resource. But I would point out that the EPA received more than \$10 billion in fiscal year 2023, and more than 40 billion in additional funding through the Inflation Reduction Act.

Certainly, that has got to have impacts on your ability to move through all these—what we are just talking about, and other projects, like Senator Tester was talking about.

Mr. REGAN. Well, you know, we have been hiring up since we got some of those BIL dollars, and in some cases we are looking at cross-pollination opportunities for those staff members. But again, we received significant resources under BIL and IRA, focused on specific projects. And so we have put people forward to complete those tasks, and where we can leverage staff, we are.

Senator CAPITO. I want to talk to you about the EPA modeling that shows a direct and very dramatic decline in coal-fired power over the next 17 years, based on the Inflation Reduction Act. It is 43 percent more coal retirements than EPA projected originally, without the law.

This recent modeling does not account for the EPA's upcoming Clean Power 2.0 Rule, which I would like to find out where that is. Or the rules that you have issued in the last few months, whether it is new standards on wastewater from coal plants, or mercury emissions. You and I have talked numerous times about this issue of how—what the impacts of some of this is to our state, my State of West Virginia.

So are you going to update your modeling once you put out your new Clean Power Plan, and other rules? Will you continue to update this so we can see what the real impacts are going to be? Have you looked at what those would be in terms of the economic impacts, and the job impacts in certain areas?

Obviously that is going to impact my state a lot. So where are you on updating, in terms of, as you are rolling out new and more stringent requirements through your regulations?

Mr. REGAN. Well, as we look at our power plant regulation, which should be coming in the coming weeks, it will have the corresponding modeling and cost-benefit analysis with that rule. I would love to have my team come and sit down with yours to walk through all of the modeling, and all of the cost-benefit analyses for those rules that are currently out, and after we finish with inter-agency review on the power plant rule, do the same thing with that regulation as well.

Senator CAPITO. Does the cost-benefit analysis include the number of jobs that would be lost, and what the impacts that would be to the community?

Mr. REGAN. Let me get back to you on the cost-benefit analysis in all of our rules are very complex, and I am sure you can tease

out a number of things in that analysis. So what I would like to do is have my team spend some time with you on all of the impacts, positive and potential adverse impacts, for any of these categories, on any of the rules that we put out.

Senator CAPITO. Let me ask you about the Class VI well applications for individual projects, that is the state primacy applications for the CCUS technology. I know my colleague here to my left, Senator Hoeven, and I are very, very interested in making sure that we are moving forward on, not just the technology.

And I know your state regulator has done—because you have primacy, don't you?

Senator HOEVEN. Yes.

Senator CAPITO. Yeah. Has done a lot, so you have, at the EPA you have 70 individual permit applications for Class VI injection wells, but I don't know that any have actually been permitted. Louisiana just got their Class VI state primacy application. I think West Virginia is very much in the queue here. What measures has the EPA taken to ensure that Class VI Sequestration Permits are prioritized and are done in a timely manner?

And how do you account for—I know in North Dakota because we had their state regulator before our Committee over on EPW, said that the time that—they can move their applications through much quicker, and have actually had successful applications, you know, meet success.

Whereas, the ones that are still at EPA are still languishing. How do you account for that? And what is your plan to make sure that those move quicker?

Mr. REGAN. Well, so our Class VI Well Application Program is absolutely a priority. I think the President has indicated that CCS is something that this administration supports. We have learned a lot of lessons from states like North Dakota. We have just approved Louisiana's. And Louisiana's actually will serve as a model for all of the states that we plan to move forward with.

We have got a very productive relationship with the Governor of West Virginia, in the State of West Virginia, on their Class VI well application. And that application is going through the process. So I think we have got some uniformity across all of our regions, to be sure that all of our states are submitting similar applications so that we can put them on an expedited time line.

Senator CAPITO. Well, I would hope that—yes, thank you, Mr. Chair, I know I am out. I hope they would move quicker, I think that state primacy issue is absolutely critical to move forward, to cleaner environment, to capturing, and sequestering, and utilizing the carbon. Thank you.

Mr. REGAN. Thank you.

Senator MERKLEY. Thank you, Senator Capito.

Senator Peters.

Senator PETERS. Thank you, Mr. Chairman.

Administrator Regan, it is good to see you here today. Thank you for your testimony.

Administrator, the Great Lakes Restoration Initiative was established, as you know, in 2009, to accelerate efforts to protect and restore the largest system of freshwater in the in the world, the Great Lakes. As Michiganders, the Great Lakes are not only in our

DNA, but are a critical resource for drinking water, in fact, 40 million people drink water out of the Great Lakes, but also in terms of economic growth and job creation, they are incredibly important.

Since 2010, the GLRI has provided over \$2.9 billion to fund over 6,000 projects throughout the Great Lakes region, including \$762 million for 880 projects in my State of Michigan. The GLRI has been a catalyst, without question, for unprecedented Federal Agency coordination through the Interagency Task Force, and the Regional Working Group, which is led by the EPA.

GLRI resources have been used to fund thousands of projects, to restore and improve water quality, to protect native habitat, and prevent and control invasive species, and as well as other environmental problems we face.

So my question for you, sir, as Chair of the Great Lakes Interagency Task Force, can you speak to how the Task Force, through its Regional Working Group, selects the best combination of programs and projects to help improve water quality as well as accelerate the protection and restoration of the Great Lakes?

Mr. REGAN. Well, thank you, Senator, for that. And thank you for your leadership, and Senator Stabenow's leadership on this issue. You know, this initiative was allocated a billion dollars under Bipartisan Infrastructure Law in fiscal year 2022, and in our budget for 2024 we are requesting the same level that we requested in 2023, because we want to keep up the critical work, keep the momentum.

You know, on the Task Force, our Great Lakes National Program Office chairs one of the regional working groups, which consists of representatives from 16 Federal partners, so we are seeing a lot of partnership, and we are seeing a lot of excitement, especially with this infusion of capital.

We take the lead on the Great Lakes Restoration Initiative (GLRI) planning and budgeting, which is done 2 years in advance, to help plan for the President's budget. So we believe that we have a lot of momentum, we have a lot of participation across the Federal family, and we have the resources to tackle this issue.

Senator PETERS. Great. Wonderful. PFAS contamination exposure has devastated many communities in Michigan, as well as across the country, and for far too long. PFAS contamination, as you are well aware, is not just an environmental threat but it is a danger to public health, and devastates local economies, and we have to do everything we can to address the impact of these toxic chemicals.

And that is why I want to, first off, say I was pleased to see the EPA designate two of the most notorious PFAS compounds, PFOA and PFOS as hazardous substances under the Superfund Program last year. I was also pleased to see last month's announcement that EPA is considering expanding the list of PFAS that are designated as hazardous under the Superfund.

So my question for you, sir, is: Can you speak to the importance of classifying PFAS under Superfund? As well as what the EPA's plans are to ensure that state agencies and affected communities are actually part of these cleanup decisions that are being made?

Mr. REGAN. Well, absolutely. And I can say as former state regulator in North Carolina, the relationship that the states and the

Federal Government have is so important. Many of our state agencies have the delegated authority to implement on clean air and clean water statutes. And so having that state and local and Federal cooperation is extremely important, not just on the implementation side, but definitely on the planning side.

We have taken important steps in proposing to designate to PFAS under CERCLA, and we believe that it is not only our jobs to prevent this “forever chemical” from entering and polluting, but also if it does, we have to clean it up. And so we are excited about where we are in that interagency process. We have worked hand-in-hand with USDA, and the Department of Defense as well.

And we believe we are making a significant progress. Not just setting drinking water standards, but to the point you are making, setting up the cleanup standards as well.

Senator PETERS. Well, I appreciate that. And again I appreciate that two of those substances were part of your action. But as you know, PFAS encompasses hundreds of different variations of that chemical, and we would assume that they also present significant hazards as being part of that family.

So my question for you is: Can you commit to establishing national primary drinking water regulations for additional types of PFAS, as soon as possible? Or give us some idea of how you plan to progress on dealing with the broader issue of a very large family of dangerous chemicals?

Mr. REGAN. Absolutely. I can commit to saying this, which is, we have designated six, we have got twenty-nine additional on our radar. As we get the science, and as we get the data in, and we will continue to work across our Federal family especially with CDC, and others, to determine the health impacts, we will continue to move forward designating these dangerous chemical compounds, and regulating them accordingly.

Senator PETERS. Good, good. So I appreciate that effort. It is a big job. And appreciate your focus on it.

Mr. REGAN. Thank you.

Senator PETERS. The next question is that Federal research efforts have often been fragmented at various Federal agencies, and have struggled to address, really, the full scope of the problems of PFAS. That is why I introduced the Federal PFAS Research Evaluation Act. It is cosponsored by a bipartisan group of Senators Moran, Shaheen, and Durbin, to direct a study by the National Academies of Science Engineering and Medicine to help inform decisions by the Federal governments, state governments, industry, and other stakeholders as to how we deal with these complex substances.

So my question for you is: Would you please, or can you speak to the importance of having a more comprehensive Federal research approach to better inform PFAS mitigation efforts? And ultimately, to help families, and first responders, and our environment, that are all impacted by these substances?

Mr. REGAN. It is absolutely imperative that we have additional research into this chemical compound, and into the technologies, that will deter this from entering our bodies. That is why we have asked for about \$170 million in the budget for 2024, so that we can keep pace with the research and development being done with our

Federal family counterparts. As well as what is happening in academia and at the state level.

We need to get a handle on this science and the health impacts. We are going to work across the Federal family, state and local agencies as well, and academia, to be sure that we are competitive. And the \$170 million that we are requesting for the budget will go a long way.

Senator PETERS. Great. Thank you, Administrator. Thank you. Thank you, Mr. Chairman.

Senator MERKLEY. Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman. Recently the Congress—good to see you Mr. Administrator, thanks for being here.

Mr. REGAN. Thank you.

Senator HOEVEN. Recently the Congress voted on a bipartisan basis to overturn the WOTUS Rule put forward by the Biden administration. Also, then shortly thereafter a judge issued a preliminary injunction that affects 24 states, including my state of North Dakota, staying the new rule.

So given that Sackett v. EPA is in front of the Supreme Court, and it is likely to provide clarity as to what EPA's authority is over states and landowners, in regard to regulating the waters of the U.S., doesn't it make sense to put a nationwide pause on your WOTUS Rule until the Supreme Court has ruled in the Sackett case?

Mr. REGAN. Where we see in those 26, or so, states that the courts have—

Senator HOEVEN. 24.

Mr. REGAN [continuing].—weighed in, there is an active stay, and we will be implementing WOTUS under the 2015 regime, where the states that don't have a stay in place, we will continue to move forward. We do believe that—number one, I engage significantly with our agricultural industry, and I appreciate you.

Senator HOEVEN. Well, you have been out to our state, and you have seen our concerns about the WOTUS Rule?

Mr. REGAN. Yes, I have. And what we attempted to do was take those concerns, match them with the laws that we are required to follow, and we codified a number of exclusions and exemptions that we were really proud of, that many of the AG community asked us to do.

Unfortunately, in the states where that stay is in place, and we go back to 2015, those exemptions and exclusions are not as clear and available to our farming community. But we will work, continue to work around that.

I think the Sackett case will provide some clarity on all the questions that we have. The good news is we won't be starting from scratch. We will be starting with a rule that we put in place that some states have stayed, we will take the Sackett case, we will adjust the rule and we will be able to move forward, and we won't be starting from 2 years behind.

I want to just say that the previous administration's WOTUS Rule was vacated, and so we felt compelled to move forward and engage with our agricultural community, to try to put a durable rule in place that will provide some certainty, and codify many of

these exclusions and exemptions that we attempted to move forward with.

Senator HOEVEN. The current rule doesn't do that, and you recognize and acknowledge that the Congress, on a bipartisan basis, voted against the rule. You do acknowledge that?

Mr. REGAN. I acknowledge that for three or four administrations multiple courts have weighed in, the Supreme Court has weighed in, no one has ever been pleased with WOTUS, and I recognize that. I will say that we did our level best to learn from all of what we have seen in the past to put forward a doable rule, and we find ourselves where we are.

Senator HOEVEN. Sackett should provide some clarity, but we are very concerned about protecting private property rights. I also want to ask you about the MATS Rule, actually the EPA, existing EPA Regulatory Rule has—and then your own study indicates that the rule you have in place, prior to issuing this new MATS Rule, has the mercury emissions below levels of concern, has reduced it to below levels of concern, from a public health standpoint.

That is that is your own study, determination. So why are you proposing new rules that put additional burdens and costs on electric plants when we very much need that electricity?

Mr. REGAN. I think when we took a look at the necessary aspect of that rule, we came to the conclusion that there needed to be further reductions of mercury to protect human health. And we also took a look at, and I believe that many of the power sector industry would agree that that the control technologies that exist to control mercury to the levels that we would like to see to protect public health, exist in a very cost effective way.

Many of them already have various aspects of those technologies on their plants. And so we believe that in following the law and following the science, in a cost-effective way, we could continue to drive mercury emissions down to protect public health.

Senator HOEVEN. Well, the whole point is, your own study shows that we are already doing that, and now you are adding additional regulation, and cost, to a coal-fired electric industry that is working widely to capture and store CO₂, which you know we are doing in our state. That new technology, so whether it is been SO_x, NO_x, mercury, and now CO₂, the industry is undertaking investment to capture those emissions, and address them, and now with CO₂, which is very, very expensive.

So you are adding regulatory burden out at a time when they are investing and working mightily to provide base load electricity to the grid which is very much needed, and capture CO₂ as well. And you need to keep that in mind.

And I am going to give you another example, and ask you to respond to it. You now are looking at lignite coal, and subbituminous coal, and trying to apply the exact same standards to both, when they are very different. And so we need you to work with our industry to make these investments to capture the very emissions that that you want to see—like CO₂, that you want to see captured and stored. You have got to work with the industry if you want that to happen.

Mr. REGAN. You are absolutely right in terms of having to work with the industry which, you know, I think we are doing a fairly

good job of that. And I think many of the examples that you cited, North Dakota is doing a good job, in pursuing some of those advanced technologies, like CCS, and other technologies. And so I think you and I are saying—singing from a similar sheet of music, which is, these technologies that are already being deployed in many of our states, do have a lot of co-benefits, which prove we can drive some of this pollution down.

We have got some in the industry that are lagging behind, and not performing as well as some of the utilities in your state. We would like for them to pursue some of these cost-effective technologies, like CCS, like you know, advanced mercury scrubbing technologies to ensure that the industry is keeping pace at a unified level.

Senator HOEVEN. We are already capturing millions of tons of CO₂, but we need help and regulatory certainty in order to keep doing that, and do more of it.

Mr. REGAN. And that is why we have worked really hard, and this is something that I have spoken with the industry about at length, for the last year-and-a-half, 2 years, this is why we are putting all of our rules out together. The industry has asked for these to be bundled so that they can look at all of the impacts, the potential co-benefits, from investing in technologies, and make those longer term investments.

And what this EPA has done and pledged, is that we would put these rules out together; and that is what we have done.

Senator HOEVEN. Thank you, Administrator.

Senator MERKLEY. Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman, Ranking Member Murkowski.

Mr. Administrator, great to see you and your team here today; and let me start with a thank you, I want to thank you and your team for keeping me and my team regularly apprised of the progress on the implementation of the Greenhouse Gas Reduction Fund.

As you know, this has been something I have worked on for well over a decade, starting during my time in the House of Representatives, with what was then called The Green Bank. Senator Markey and I then introduced the National Climate Bank Legislation. It has been called the Clean Energy Accelerator. We are pleased to see the President embrace it. And now, obviously, we are in the work of implementation, which is absolutely critical that it be successful.

So thank you for those consultations. I just want to affirm that we are on the same page with respect to the goals. Number one, to achieve the greenhouse gas emissions that were allocated and targeted for this particular fund; number two, to ensure it as a multiplier effect. I mean the idea is that this will be matched by private sector and other funds, so that we have up to a five-time multiplier effect, that would ensure sustainability, which is another key factor; this is not a pot of money for grant funding that we turn around one day and it is all gone.

And fourth, and very importantly, that we make sure that the funds are invested to help underserved communities as part of this

transition to a clean energy economy. I just want your assurance today that those remain principles that you are committed to.

Mr. REGAN. Absolutely. Absolutely. And I want to take this time to thank you and your team I think but for you, and Senator Markey, and others we wouldn't have this significant opportunity, \$27 billion is a lot of money, but in the full scheme of things, it is not a lot of money, and we need to have that multiplier effect. And we need to be sure that we are putting programs in place that can be leveraged by those who invest, you know, as their day jobs right.

And we also want to be sure that every single person in this country benefits from it. So we share those goals, and we have enjoyed the conversations with your team. Our product is better because of those conversations.

Senator VAN HOLLEN. I appreciate that Mr. Administrator. And as you know, my view is that this can be most effective by creating, you know, at most, a few national networks that have to be national in scope, that include, you know, existing Green Banks, but also include CDFI and other lenders.

We want to make sure that it has that ability to coordinate, because we do want to be able to, you know, come to you a couple years from now and say: Hey, how are we doing in terms of our greenhouse gas emission reductions' goal? How are we doing in terms of meeting our goal of ensuring low-income communities or participating in the transition? And I think that is much better achieved by having at least a national network that is coordinating all of this.

Let me, just another thank you, because for years Maryland worked to try to get the EPA to adopt the Air Pollution Good Neighbor Rule, because we receive lots of air pollution transiting from other states into our air, into the Bay, so just a thank you, for having moved forward on that.

Let me talk briefly about the Back River Wastewater Infrastructure. As you know, the Maryland Senators and our Congressional Delegation from Baltimore objected to the proposal to transfer some of the wastewater from the East Palestine derailment, through the Back River Plant in Baltimore. And I am glad that that plan did not go forward.

The reason we objected, as you know, and your team knows, is that because Back River Plant has had a history of problems, chronic problems itself, and we didn't want to take any additional risk that more pollution would enter our waterways as a result of that contaminated water from Palestine.

That said, we are continuing to work on Back River, and obviously the funds in the Bipartisan Infrastructure Bill for the Revolving Fund are important. But just ask for your commitment today, Mr. Administrator, that you will work with us on Back River, because that has had a series of problems and we want to make sure we work in partnership with you and your team to correct them.

Mr. REGAN. Absolutely, you have my commitment. And our team has been paying close attention to that. I have actually talked with Assistant Administrator Radhika Fox about that particular facility. So you have our commitment.

Senator VAN HOLLEN. Thank you, because it is an ongoing project, as you know. Let me now turn to the Chesapeake Bay and

the EPA Program. Very gratified to see that the administration requested the full authorization of \$92 million, this has been an ongoing and urgent priority for our region. And I would argue very important for the country as well as the nation's largest estuary.

I am also pleased with the current proposed settlement to the lawsuit that was brought to ensure enforcement of the goals to clean up the Bay. As you know, unfortunately we are falling short of the targets. We had a plan to try to achieve the reductions in what we call the total maximum daily load into the Bay by 2025.

We are not hitting that target, everyone sees that. It is vital that we re-establish aggressive pollution reduction targets, and dates. And I do think that this proposed settlement, which I expect will be finalized shortly, will help accomplish that.

But if you could just comment on why this is important; this is a multi-state—you know, the Chesapeake Bay obviously, its watershed encompasses multiple states including Pennsylvania. There is no secret that we have been very concerned about pollution coming down the Susquehanna River. Part of this settlement is designed to address that through greater enforcement. Can you talk about EPA's commitment to making sure that this settlement is enforced, assuming it goes forward?

Mr. REGAN. Well, absolutely I will say that, I proudly serve as the current Chair of the Chesapeake Bay Executive Council, and have been enjoying the engagements, and look forward to engaging this multi-state body. You know, once the settlement is achieved, and hopefully, we will get the resources we are requesting in this budget, I believe that we can effectively execute on the settlement, but also enhance our engagement with our agriculture community, and others, who are contributing in a negative way to the Chesapeake Bay.

I think we also had a meeting where we needed to recalibrate those 2025 goals. So I am committed. I am chairing this Executive Council. I am committed to recalibrating the 2025 goals. And I am committed to bringing us all together to ensure that we restore the health and vibrancy of the Chesapeake Bay.

Senator VAN HOLLEN. Mr. Administrator, thank you, music to my ears. It requires resources, yes, but it also requires a political commitment from the Federal Government and EPA. So thank you.

Mr. REGAN. Yes.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you, Senator Van Hollen.

And we are going to try to do a speed round here in which I have several questions that you can feel free to give very short answers to. And Senator Murkowski has a couple as well. And then we are dashing to the vote that is currently underway.

So here we go: Can I have your assurance that any permitting reform that you support will not allow higher levels of toxins to be released in frontline communities?

Mr. REGAN. Yes.

Senator MERKLEY. Thank you. And does that include the permitting of any new so-called chemical recycling facilities that vent off significant toxins that might increase pollution in frontline communities?

Mr. REGAN. And the way you will see both of those is, our technical advice to the legislation. Obviously, we will weigh in as mightily as we can, we know that we need to see permitting reform, but in that technical advice that we provide to Congress, we will be sure to flag those things because they are important to us.

Senator MERKLEY. These will be issues I will be paying close attention to. And do I have your support in figuring out how we allow prescribed fires, while also being very strong in regarding generalized PM 2.5 pollution?

Mr. REGAN. Yes. We can do both.

Senator MERKLEY. Thank you. I will have more questions for the record.

But let me turn this over to my colleague from Alaska.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Administrator Regan, I know that Senator Capito had discussed with you, or raised the issue about EPA's Class VI Wells Program for carbon sequestration, it is something that Alaska is obviously very interested in. We have got a strong commitment to responsible stewardship, and we have got geological storage potential. So we look at this with real opportunity.

I have expressed some concern, again, about the pace of processing the individual permits. I just want to know that you also view the Agency, Class VI Wells Program as an Administration priority?

Mr. REGAN. I do. Yes.

Senator MURKOWSKI. Good. We look forward to working with you on that. Very quickly, we know that EPA is moving forward with the new standards on both light- and medium-duty vehicles, and heavy-duty truck emissions. It is a pretty aggressive time line there. In fact, it is even more aggressive than President Biden's stated goal that EVs are going to make up 50 percent of the new cars sold by 2030. We all recognize that these goals are going to require a significant increase in minerals needed to supply the EVs.

Did the EPA conduct a needs assessment on the amount of minerals that would be required if these rules move forward and go into effect?

Mr. REGAN. We are very cognizant of the need, and we are very cognizant of the broader Federal family approach to minerals, to domestic manufacturing, and the tax incentives, and the like, so our rules are, technology standards, we have a limited scope that we are allowed to look at. But you can rest assured that the broader Federal family goals resulting from IRA and BIL were taken into consideration as we move forward.

Senator MURKOWSKI. I think we recognize we not only—we not only need the minerals but we are going to have to do more to promote some efficiencies, and deal with the permitting issues; something that we are all talking about here on a bipartisan basis.

And then lastly, and this should be the real easy one, is I appreciate the progress that we have made on our Alaska-specific issues. I would like to, again, encourage that we have set quarterly calls with senior staff from the Agency. We call it "The All Things Alaska Call". We have had these agreements with previous administra-

tions. And I even just like your commitment to have your team meet with mine on a quarterly basis.

Mr. REGAN. Absolutely.

Senator MURKOWSKI. Very good. Thank you.

With that, Mr. Chairman, thank you so much.

ADDITIONAL COMMITTEE QUESTIONS

Senator MERKLEY. Well, thank you. And if there are no other statements, the hearing record will be open until close of business on May 17th, 2023.

Administrator Regan, you have covered a huge range of topics in this hearing. And I am sure there will be a few more in some follow-up questions. So thank you, for your service to our country.

SUBCOMMITTEE RECESS

Senator MERKLEY. And with that, this hearing is adjourned.

[Whereupon, at 11:51 a.m., Wednesday, May 3, and the subcommittee recessed, to reconvene at a time subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2024

WEDNESDAY, MAY 10, 2023

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC..

The subcommittee met, pursuant to notice, at 10:02 a.m., in Room SD-124, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Murray, Reed, Tester, Heinrich, Peters, Murkowski, and Collins.

INDIAN HEALTH SERVICES

STATEMENT OF HON. BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS

ACCOMPANIED BY ROSELYN TSO, DIRECTOR

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. This subcommittee will come to order.

Welcome, Assistant Secretary Newland, and Director Tso, terrific to have you. Welcome to this hearing on fiscal year 2024 President's Budget for Indian Country.

And a special welcome to Jillian Curtis, good to have you, from IHS, Indian Health Services; and Jason Freihage from the Department of Interior, who are accompanying today's witnesses. Thank you for being here to contribute your expertise.

Today is unique because we are holding a single budget hearing covering nearly all of the Tribal programs within the Interior Appropriations Bill, the budgets of the Indian Health Service and the Department of Interior's Indian Affairs Programs totaled \$10.9 billion in fiscal year 2023, a full one-quarter of the spending in the bill.

Appearing together, for the first time in many years, will help us cover a wide range of topics that are vitally important upholding our trust and treaty responsibilities to Tribes. It is imperative to look at a wide range of topics, because those topics are so interwoven.

The social determinants of health, for example, are often reflections of the conditions in which people are born and live, they are heavily influenced by factors such as education, employment, housing, community, culture, clean air, clean water, safety, access to transportation. This is where we see the critical interplay of Indian

Health Services and the Department of Interior's funding support for Tribal communities.

Starting with Indian Health Services, IHS, the request is \$9.7 billion for fiscal year 2024, and \$2.5 billion, or 36 percent increase, a staggering amount reflecting the reality that the health care gap is serious and needs to be eliminated. A major driver is a \$742 million increase to expand access to health care across all IHS Direct Service lines, to reduce health disparities, and improve health care.

The IHS budget also includes \$13 million increase to offer additional IHS scholarship and loan repayment awards to bolster recruitment and retention.

I want to take a moment to highlight the significant achievement we made in fiscal year 2023, providing advance appropriations for IHS. I am quite pleased that we had that legislative achievement, and I hope the advance helps with the predictable and stable funding for years to come, and I look forward to working with you to ensure implementation functions as intended.

Turning to DOI's Tribal programs, the request includes \$3 billion for the Bureau of Indian Affairs, a \$483 million increase, and \$1.6 billion for the Bureau of Indian Education, a \$209 million increase. These investments are building blocks for continued economic development for the well-being of Tribal communities.

For example, the budget request includes \$2.3 billion, \$350 million above the enacted level for the BIA operation of Indian programs. This funding will support the stewardship of natural resources and energy resources facilitating the delivery of community services, and spurring economic development.

For the Bureau of Indian Education, I am happy to see a proposed increase of \$61 million for the operation of Indian Education programs, this funding will help improve student academic outcomes, address maintenance needs, expand Native language revitalization efforts.

Teachers across the country dedicate each day to kids to provide them with the tools to succeed. I can think of teachers in my own experience who have helped shaped my education, and my life, as I am sure all of us can. And I am pleased to see an effort to address teacher pay parity within your proposal, as well as targeted investments to improve teacher recruitment and retention.

I want to briefly turn to the in-lieu-of-treaty fishing sites along the Columbia River. Thank you, Assistant Secretary Newland, for taking the time to visit these sites, and for your cooperation in providing maintenance, law enforcement, and repairs.

The construction of dams on the Columbia River flooded these traditional sites, displacing people who have relied on the river for thousands of years, and we need to help put the pieces back together, including making continued investments to establish these sites that are safe and accessible to Tribal members.

Finally, both budgets include a mandatory reclassification proposal for contract support costs, and Section 105 leases, which I will refer to as Tribal Sovereignty Payments. These are payments necessary to fully exercise Tribal self-governance, and are reasonable overhead costs to administer essential government services.

I endorse the proposal to reclassify these funds to the mandatory side of the budget, where they legally belong, and look forward to

working with you on this issue. Much of the work we do in Indian Country Policy is trying to put back the pieces of decades of failed policies by the Federal Government, and as we know, that is difficult.

But what we can do is support Tribal communities by making continuous investments in key areas, like health care, governance, economic development, infrastructure, natural resource management, and public safety. It is not only the right thing to do; it is also our trust and treaty responsibility.

Assistant Secretary Newland, and Director Tso, you are both on the front line of that effort. And I am happy to learn more from all of you today.

And with that, I would like to turn the microphone over to my Ranking Member, Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. I do note that the Chairman of our Full Committee is here, and I don't know. I would certainly defer to you Senator Murray.

Senator MURRAY. I will go after.

Senator MURKOWSKI. Great. Thank you.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Well, good morning. I appreciate the opportunity this morning to, as you note Mr. Chairman, to have this subcommittee examine the proposed budgets for both IHS and the Department of Interior, the two agencies responsible for Tribal programs under this subcommittee's jurisdiction, but we are doing it for the first time here in one hearing. So I think it is going to be jam-packed, we have got a lot of ground to cover.

I also want to point out that it has been several years now that we have had the opportunity to invite a confirmed IHS Director to a budget hearing. So I am particularly glad to have you here, Director Tso. I welcome both of you, Director Tso, and Assistant Secretary Newland.

This subcommittee has always worked together to fund essential programs that serve our Tribes and Native communities, and whether it is health programs, economic development initiatives, education and workforce development, or critical water and sanitation infrastructure, I think we have made upholding the Federal Government's trust responsibility a bipartisan priority, and it needs to continue to be so.

In the last Congress we secured advance appropriations for the IHS, this was a long-held priority for Native communities, and we can't forget the great progress that we have made on these issues related to contract support costs as well as 105(l) Tribal Lease payments. I think this demonstrates that we can work together, and when we do we are successful.

As we look to write the fiscal year 2024 bills, it is my hope that we can continue our bipartisan tradition to prioritize the needs of Native communities. The President's proposal for the IHS includes an increase of \$2.5 billion above the fiscal year 2023 level, while the request for BIA and BIE outlines approximately \$692 million in new spending.

The fiscal year 2024 budget request increases almost every budget line, with the only exceptions being Congressional priority.

So I hope that after today we all have a better understanding of our respective funding priorities, because reconciling the President's requests, Congressional priorities and, quite frankly, the budget realities, is going to take some compromise and a lot of dialogue.

Many of the issues I intend to raise today will come as no surprise to you all. Within the Bureau of Indian Affairs (BIA), ensuring adequate funding for PL280 states to address the inequities among Tribal courts remains a top concern of mine, as is continuing funding for Native language grant programs for non-BIE States, and funding for missing, murdered indigenous people.

In addition to safeguarding funds for the above issues, it is also important to ensure that the small and needy Tribes, that supplement receives sufficient funding and is properly managed. The current Tiwahe pilot sites and recipients be made whole, and that Tribal management programs are effectively contributing towards economic development while meeting natural resource goals.

In the fiscal year 2024 budget proposal, there is also an Alaska-specific proposal on subsistence, and that is to shift the Office of Subsistence Management from Fish and Wildlife to Indian Affairs.

Secretary Newland, we have had an opportunity to discuss this in the Indian Affairs Committee. I have heard from a lot of Tribal leaders and Native communities over the years about Fish and Wildlife Service not giving this important office the attention that it needs. So I am going to be interested in hearing more, just about the practical implementation of this proposal, how it addresses the concerns of all stakeholders, and the steps that you are taking to demonstrate that Indian Affairs can handle management of the rural subsistence priority, for both Native and non-Native subsistence users alike.

Similar to the Department of Interior's Tribal programs, over the years, my IHS priorities remained pretty much unchanged. Ensuring funding for VBCs, village-built clinics, facilities construction accounts, along with programs that support the Alaska Dental Health Therapy, the AHABs, our Community Health Aid Programs, these are all vital for Native communities across my state.

And of course, at both BIA and IHS, contract support costs, and 105(l) lease payments, absolutely utmost importance. Ongoing questions surrounding these costs continue to spur court cases, and trigger additional budget uncertainty. You know that, as well as anyone. And it is for this reason, I would urge some caution in attempting to rename these terms, just for the sake of simplicity.

I think they are complex. They are legally defined budget issues that are rooted in statute, in regulation, in court cases. Our job here on the subcommittee is to appreciate and address the budget complexities, without creating further confusion for the sake of political expedience.

Another nuanced issue we need to discuss, are the unobligated balances at IHS. And Director, we have talked about this. IHS has received more than \$45 billion in regular discretionary and emergency funding over the preceding 5 years. They are carrying billions of dollars in unobligated balances. We have to have an open and a transparent conversation about these balances to ensure that IHS is providing the best services possible.

And then lastly, the Chairman has mentioned advance appropriation; this is something that I have personally been supportive of over the years. As an original co-sponsor of a bill with Senator Udall, that jump started that path, to the inclusion of advance appropriations in the fiscal year 2023 Omnibus Bill, I am somewhat disappointed that the budget proposal does not focus on a successful implementation of advance appropriations, but instead, again, proposes mandatory funding for IHS, beginning in 2025, without any accompanying legislative text. We need to have that there.

We all want the IHS to be successful and responsibly managed, so Director Tso, I am glad that you are in place to provide that leadership. It is a tough job. And we have talked about that. I am looking forward to your testimony, as well as that from you, Assistant Secretary Newland.

And with that, Mr. Chairman, I thank you. And look forward to the discussion this morning.

Senator MERKLEY. Senator Murray, and the Chair of Appropriations.

STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Thank you very much, Chair Merkley, and Ranking Member Murkowski.

We have a really important responsibility to get our funding bills passed in a timely and bipartisan way, and the clock is ticking if we want to keep things on track, and truly return to regular order for the first time in years,

I know members on both sides of the aisle are serious about making that happen, because if we are going to keep our Nation strong and safe we cannot let the investments that keep our Nation competitive, and keep our communities secure, including our Tribal communities, fall into chaos or uncertainty due to political games.

These programs are too important to shortchange, and this moment is too critical to let partisan infighting hold our communities and our country back. So it is important that we are holding this hearing today to make sure our Nation meets its obligations to our Tribes, honoring their sovereignty and providing the Federal investments that we have promised.

Because how we are seen in the world, isn't just a matter of how much we spend on weapons, it is how we live up to our word. If we expect other nations to trust us, to live up to our global commitments, we have to keep our promises right here at home too. And when it comes to our Nation's commitments to Tribes, we have a long way to go.

Further, the reality is that for many of our Nation's toughest challenges, the opioid crisis, the climate crisis, the maternal mortality crisis, and more, our Tribes are getting hit the hardest.

And yet House Republicans just voted to slash vital support for our Tribes. Their default on America Act would gut funding for Tribal law enforcement, education, and health care programs. It would cut nearly a billion dollars from the Indian Health Service, forcing more than 1,000 doctors, nurses, and staff off the job, and cutting care for two-and-a-half-million people. It would rip away essential services in Tribal communities, and seriously weaken BIA's ability to live up to its mission.

Now, I am constantly meeting with Tribal leaders in every part of my home State of Washington, Lummi, Muckleshoot, Puyallup, the Yakama, Jamestown S'Klallam, Quinault, there are so many. And I can tell you, they certainly are not asking us to break our promises or cut off key resources, our Tribal leaders want us to invest in climate resilience.

They want to make sure their communities are prepared for and protected from rising sea levels, and raging wildfires which are becoming much too common. They want to be able to work together to manage the forests and lands they rely on, and help recover the salmon populations that are foundational to Tribal cultures and economies.

They want to provide the support people need to overcome depression, opioid use disorder, and other mental health challenges. They want to provide the health care people need to have a safe pregnancy, and not die in childbirth. They want to end the epidemic of missing and murdered Native women, and secure justice for survivors and their families. They want their rights protected, and their sovereignty respected.

And I do want to recognize Chair Merkley's leadership on Tribal Sovereignty Payments, and reiterate my support for his efforts. Now, I don't think any of this is too much to ask for.

And here is what I hope all of my colleagues will recognize. Many of us will talk about listening to, and prioritizing Tribal voices here in Congress. Well, here is our opportunity to demonstrate that commitment. More than just words; if you support Tribes, then support them with the funding that they deserve, because I know our Nation is stronger when our Tribes are stronger. And that keeping people safe, keeping our communities safe, has to include our Tribal communities.

So this subcommittee is extremely important, and I want to work with both of you to make sure we do that well. Thank you.

Senator MERKLEY. Well, thank you very much.

And we are going to jump right into the testimony, beginning with Assistant Secretary Newland.

SUMMARY STATEMENT OF HON. BRYAN NEWLAND

Mr. NEWLAND. Thank you, Mr. Chair, Madam Chair, and Ranking Member Murkowski, it is great to see you. I appreciate the opportunity today to testify in the Department of the Interior's fiscal year 2024 Budget Request for Indian Affairs.

The President's fiscal year 2024 Budget for Indian Affairs is \$4.7 billion. This funding represents funding for the Bureau of Indian Affairs, the Bureau of Indian Education, the Bureau of Trust Funds Administration, and additional programs within our office in the Assistant Secretary's hallway.

As well as proposed mandatory reclassifications for contract support costs and 105(l) leases. Our request for the Bureau of Indian Affairs is \$3 billion, and within that total it includes \$431 million for contract support costs, and more than \$82 million for payments for Tribal leases which are requested as current mandatory funding to ensure we can continue to make these critical payments and meet our other trust obligations.

The budget for the operation of Indian Programs Account is \$2.3 billion. The BIA continues to focus on the priorities of increasing sovereignty over Tribal lands, advancing economic opportunity, ensuring public safety, and responding to climate change.

The request includes \$641 million for Public Safety and Justice Operations, an increase of \$62 million in one quarter of our Bureau of Indian Affairs Budget Request. Operational funding supports the expanding Tribal needs, and policing, detention, and Tribal courts. The budget includes a \$33.5 million increase to the Criminal Investigations and Police Services line, which has specifically targeted to increase the number of officers and investigators on the ground in Tribal communities.

The request also includes \$16.5 million to address the crisis of missing and murdered indigenous peoples. As part of a proposed expansion to the Tiwahe Initiative, our budget includes \$1.9 million for the Office of Tribal Justice Support, to provide technical assistance to Tribes looking to develop and operate healing to wellness courts.

These courts serve as alternatives to incarceration, and provide a culturally appropriate form to support those within the criminal justice system. As part of our government-wide efforts to strengthen Tribal communities, our budget proposal includes \$205 million in the Human Services funding line, an increase of \$38.4 million. This amount includes \$79 million for social services which will support expanded implementation of the Indian Child and Family Violence Prevention Act.

And in addition, it includes an increase of \$26.7 million to expand the Tiwahe Initiative through several Human Services programs, including the Housing Improvement Program.

Our budget also includes a total of more than \$201 million for Trust Real Estate Services activities an increase of \$42 million, included within that is a proposal to protect Tribal homelands through the "Carcieri Fix" which will ensure that all federally recognized Tribes have the ability to place land in the trust.

We are requesting for the BIA, \$30.5 million for the Indian Land Consolidation Program. This program funding recognizes our ongoing need to continue to address fractionation of Indian lands. Without continued investment in Indian land consolidation, the rate of fractionation in Indian Country will exceed pre-Cobell rates by the year 2038.

Our budget includes \$12 million for the creation of a new Tribal Land and Water Conservation Fund Land Acquisition Program. During our LWCF listening sessions last year one of the top priorities that Tribes identified was direct access to LWCF funding for conservation and recreation projects without the existing requirement to either partner with, or apply through states.

Our budget also funds the community and economic development activity at more than \$77 million, which is a \$46 million increase to advance economic opportunities in Indian Country. This includes an additional \$27.5 million investment in Native language revitalization, which as you noted, Ranking Member, is crucial to preserving Tribal languages, promoting self-determination, and strengthening Tribal communities.

A request for the Indian Loan Guaranteed Program is \$15.5 million, which will guarantee or ensure more than \$202 million in loan principal, which will support economic development in Tribal communities. And our budget proposes \$2.8 billion in new mandatory funding over 10 years for Tribal Water Rights Settlement requirements, including \$2.5 billion to cover the cost of enacted and future settlements, and \$340 million for the ongoing costs associated with enacted settlements, managed by the Bureau of Reclamation.

With respect to infrastructure, BIA is responsible for more than 29,000 miles of paved, gravel, and earth surface roads across Indian Country, as well as 1,000 bridges. Our budget includes \$51.3 million for road maintenance, which is an increase of \$12 million to support maintenance activities, and snow and ice removal. The request includes nearly \$200 million for BIA construction activities, a \$46 million increase from fiscal year 2023 enacted.

That includes an increase of nearly \$24 million for replacement and deferred maintenance projects, to address needs at our Public Safety and Justice facilities, in particular, our detention facilities at BIA.

We are also proposing funding to support our staffing needs to deliver on our trust obligations, and make sure these services are implemented properly in Tribal communities, including supporting the White House Council on Native American Affairs, providing adequate Staffing for the 105(l) Leasing Program, and making sure that we are staffed up, across the BIA and BIE, to deliver our services.

For the Bureau of Indian Education, our fiscal year '24 request is \$1.6 billion. And that includes key investments to strengthen BIE's autonomy as a Federal agency. Within that budget proposal \$1.2 billion is for the operation of Indian Education programs; that includes \$925 million for operating the entire BIE elementary and secondary school system, which supports 45,000 students across 23 states.

With respect to BIE's facilities, operations, and maintenance, we are requesting \$160 million, which includes investments to keep pace with operational cost increases, and support timely maintenance and replacement of equipment at BIE schools. This proposal also includes nearly \$34 million for Education IT to support ongoing costs of distance learning, and enhanced classroom technology.

Our fiscal year 2024 budget request for BIE also includes \$416 million, an increase of nearly \$148 million, for Education construction, to replace and repair school facilities and address deferred maintenance, at needs, across the BIE system. And we also propose a critical, \$136 million dollar increase, for replacement school construction, and \$24 million for replacement facility construction, to ensure that all Native students can get their education in appropriate facilities.

Housing is a key element for our education staffing needs, especially at schools in remote locations across Tribal communities. We are asking for \$139 million for housing and other facilities repair programs including a \$9.7 million increase for facilities Improvement in repair, and a \$2.5 million increase for new employee housing.

Lastly, the fiscal year 2024 budget request includes \$109 million for the Bureau of Trust Funds Administration's budget. This request is actually \$2.2 million below the fiscal year 2023 enacted which reflects a proposed transfer of funding for probate work within the Office of Hearings and Appeals from BTFA to the Bureau of Indian Affairs.

I also want to encourage the Committee, and Congress, to accept our proposed organizational structure for the Bureau of Trust Funds Administration. Bureau of Trust Funds Administration (BTFA) provides a unique Federal Trust function that is, appropriately, separate from the duties and responsibilities of the Bureau of Indian Affairs. Approving this structure will strengthen the organization's ability to focus on its core missions, and on additional high visibility and complex projects.

I am very proud of the budget requests that we have put forward for Indian Affairs, we believe it reflects the administration's commitment to meeting our trust and treaty obligations.

And I appreciate the opportunity to testify today, Mr. Chairman, and Members of the Committee. And I look forward to answering any questions you have. Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. BRYAN NEWLAND

Good morning, Chair Merkley, Ranking Member Murkowski and members of the subcommittee. Thank you for the opportunity to testify regarding the Fiscal Year 2024 President's Budget Request for Indian Affairs.

The President's 2024 budget for Indian Affairs is \$4.7 billion—this total includes funding for all of Indian Affairs which includes the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), the Bureau of Trust Funds Administration (BTFA) and the Office of the Assistant Secretary for Indian Affairs (AS-IA), as well as proposed mandatory reclassifications for contract support costs and 105(l) Tribal leases. As the Assistant Secretary for Indian Affairs, I oversee the program offices within the BIA, the BIE, the BTFA and additional programmatic functions within the immediate AS- IA Office.

RECENT ACCOMPLISHMENTS

Indian Affairs is leading improvements in education, supporting economic development, improving law enforcement programs, and helping Tribes manage climate change through resiliency and adaptation, among many other policy initiatives. I want to pause and reflect on our remarkable and collective work accomplished over the past year.

Indian Affairs has expanded the use of the Buy Indian Act to bring support to Indian Economic Enterprises. In Fiscal Year 2022, nearly \$420 million in spending went to Native-owned businesses, which represents 72% of all of Indian Affairs' purchasing power.

We are focusing on retention and recruitment. Hiring continues to be a challenge in technical fields, and we are looking at all levers we have available to improve retention and recruitment. In the area of law enforcement, the BIA Office of Justice Services team is working closely with the Indian Affairs Office of Human Capital on several strategies to support recruitment and retention. The foremost strategy is a pay parity initiative which will bring BIA law enforcement pay levels in line with other Federal law enforcement, this change would result in up to an additional \$30,000 annually for BIA law enforcement officers. We are currently in the process of converting current staff to the new pay levels and openings for new vacancies are being advertised at this higher pay rate. Our team is also meeting on weekly basis to ensure the hiring process and background checks move as quickly as possible. BIE also continues its focus on teacher and counselor pay parity to attract and retain key staff at all BIE-funded schools.

The Missing and Murdered Unit continues to collect and review unsolved cases involving Missing and Murdered American Indian/Alaska Native People; prioritize and assign cases for investigation; coordinate investigation and search & recovery

resources within Indian Country; and liaison with Tribal, State, and Federal law enforcement agencies on Missing and Murdered Indigenous People related issues. Since its creation in 2021, the MMU has investigated 735 missing and murdered persons cases, solved, or closed 264 missing persons cases, and solved 8 murder cases.

The Tiwahe Initiative is working on expanding to new sites. Indian Affairs worked with existing Tiwahe sites to develop a framework for selecting new Tiwahe sites, and then conducted consultation with Tribes on the framework. Thirty-five (35) Tribes applied for inclusion in the Tiwahe Demonstration Project. We recently announced the selection of two new Tiwahe sites from this process, the Confederated Salish and Kootenai Tribes in Montana and the Paiute Indian Tribe of Utah. Additionally, we provided \$100,000 in one time funding to 10 other Tribes that applied so they can implement programs that were included in their Tiwahe proposal or to participate in the Tiwahe incubator to perform a needs assessment and develop a Tiwahe plan.

Indian Affairs is leading the investigation into the Federal Indian Boarding School system. Spotlighting this part of American history is needed for Indian Country and the United States to heal and move forward together. BTFA is the lead organization for research on this initiative. Our initial investigation identified marked or unmarked burial sites at approximately 53 different schools across the system. As the investigation continues, we expect the number of identified burial sites to increase.

Interior continues to be a government-wide leader in shaping Tribal consultation policy and facilitating Tribal input into policy development and program implementation. At the forefront of this effort is the White House Council on Native American Affairs. The Council has played a critical role in coordinating across agencies and holding government-wide consultation to facilitate implementation of the Bipartisan Infrastructure Law, Inflation Reduction Act and other critical policies.

To support teachers and administrators, the Bureau of Indian Education (BIE) is investing in BIE's Strategic Transformation of Education Program (STEP) providing professional development, upgraded technology, and enhancing our ability to provide culturally relevant education across BIE. BIE is also developing a BIE Principal's Leadership Academy to deliver professional development to school leaders, focus on educational outcome improvements, support retention of key administrators and develop our future leaders. Furthermore, BIE is implementing Behavioral Health and Wellness Programs serving BIE students, staff, and communities with mental health and wellness support. BIE school safety and security improvements continue to be a priority with targeted funding and hiring plans that support school leaders. BIE is also moving forward on clean energy goals—including Clean School Bus and School Replacement Construction initiatives that not only reduce our carbon footprint but support economic development and cleaner energy future for the students and communities we serve.

BUREAU OF INDIAN AFFAIRS AND OFFICE OF THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS

The mission of the BIA is to enhance the quality of life, promote economic opportunity, and carry out the Federal responsibility to protect and improve the trust assets of American Indians, Indian Tribes, and Alaska Natives. The request for BIA and the AS-IA Office is \$3.0 billion in current appropriations. Within this total, the budget includes \$431.4 million for Contract Support Costs and \$82.5 million for Payments for Tribal Leases, which are requested as current mandatory funding to ensure we can continue to make these critical payments and meet other trust obligations. The 2024 budget supports an all-of government approach to addressing Federal responsibilities and Tribal needs in Indian Country. The White House Council on Native American Affairs, in coordination with Indian Affairs bureaus, supports collaboration on this work across Federal agencies. We are also looking to leverage external resources. The budget includes additional funding to build out an Office of Strategic Partnerships which can leverage philanthropic funding to build on Federal resources for program delivery for Indian Country.

OPERATION OF INDIAN PROGRAMS

The 2024 budget for the Operation of Indian Programs account is \$2.3 billion. The 2024 budget continues to focus on the priorities put forward in our 2023 budget of increasing sovereignty over Tribal lands, advancing economic opportunities, ensuring public safety, and responding to climate change.

PROTECT AND SUPPORT SAFE TRIBAL COMMUNITIES

BIA's Office of Justice Services (OJS) funds law enforcement, corrections, and court services to support safe Tribal communities. The 2024 budget includes \$641.8 million for Public Safety and Justice (PS&J) operations, an increase of \$62.1 million above the 2023 enacted level. Operational funding supports the expanding Tribal needs in policing, detention, and Tribal courts, including those resulting from the *McGirt v. Oklahoma* Supreme Court decision.

The budget includes a \$33.5 million program increase to Criminal Investigations and Police Services, specifically targeted to increase the number of officers and investigators on the ground in Indian Country. A program increase of \$2.0 million is also requested to enhance functions within the OJS Professional Standards Directorate, including recruitment and retention initiatives, development and evaluation of law enforcement policies, program reviews, and training. The 2024 budget includes \$16.5 million to address the crisis of Missing and Murdered Indigenous People. The Missing and Murdered Unit engages in cross-departmental and interagency collaboration to identify gaps in information sharing and data collection to investigate these cases more effectively.

As part of a proposed expansion to the Tiwahe Initiative, the budget includes \$1.9 million for the Office of Tribal Justice Support to provide technical assistance to Tribes looking to develop and operate Healing to Wellness courts. These courts serve as alternatives to incarceration and provide a culturally appropriate forum to support those within the criminal justice system by assisting in addressing underlying behavioral health and substance abuse issues.

PROMOTE TRIBAL SELF-DETERMINATION

The 2024 budget provides \$444.4 million for programs that support Tribal government activities. The budget includes \$240.8 million for compact activities for self-governance Tribes, enabling Tribes to plan, conduct, consolidate, and administer programs, services, functions, and activities for Tribal citizens, according to priorities established by their Tribal governments. The budget includes \$86.2 million to support Consolidated Tribal Government Programs for Tribes operating under Public Law 93-638 contracts, giving approximately 275 Tribes the flexibility to combine and manage contracted programs and grants that are similar or compatible to simplify contracting.

The Small Tribes Supplement program helps eligible Tribes expand and sustain their Tribal governance. The 2024 budget funds the program at \$23.0 million—\$16 million above 2023 enacted. This level of funding is estimated to reach a funding threshold of \$300,000 for the Tribes in this category. The budget requests an additional \$2.0 million to hire additional Awarding Officials (AOs) and support staff at regional BIA field sites in the regions to address the growing number of complex contracts that involve multiple and diverse programs. The BIA has more than 9,500 open Title I, ISDEAA contracts being administered throughout the Nation. Increased personnel will also help ensure timely Tribal payments, which is an area that has been and continues to be reviewed by the Government Accountability Office.

STRENGTHEN TRIBAL COMMUNITIES

As part of the government-wide efforts to strengthen Tribal communities, the budget includes \$205.4 million, an increase of \$38.4 million above 2023 enacted, in Human Services funding to support Indian families. This amount includes \$79.5 million for Social Services, which will support expanded implementation of the Indian Child Protection and Family Violence Prevention Act. The act seeks to bolster child protection and ensure better coordination between child welfare and domestic violence programs in Indian Country. In addition, the budget includes increases of \$26.7 million to expand the Tiwahe Initiative through several Human Services programs.

Indian Affairs is uniquely positioned to assist in the effort to recover the histories of Federal Indian boarding schools. The 2024 budget includes \$7.0 million for the Secretary's Federal Indian Boarding School Initiative (BSI) and its comprehensive review of Federal boarding school policies. This funding will continue to implement recommendations laid out in the May 2022 Federal Boarding School Initiative Investigative Report, including continued historical research and documentation, and work to identify and protect the remains of those identified.

ADVANCE INDIAN TRUST OWNERSHIP AND IMPROVE INDIAN TRUST-RELATED
INFORMATION

The 2024 budget includes a total of \$201.2 million for the Trust Real Estate Services activity, an increase of \$42.2 million. Also included is an appropriations language proposal to strengthen Tribal homelands through the “Carcieri Fix,” which will ensure all Federally-recognized Tribes may place land into trust status.

The Trust Real Estate Services activity implements strategies to advance Indian trust ownership and improve Indian trust-related information. The 2024 budget proposes \$201.2 million for real estate services programs and supports the processing of Indian trust-related documents, such as land title and records and geospatial data, to support land and water resources use, energy development, and protection and restoration of ecosystems and important lands. An additional \$1.9 million supports the new Office of Indigenous Communication and Technology to support Tribal efforts to increase broadband access and licensing for broadband spectrum frequencies, and to advance other critical infrastructure investments. The BIA requested increase of \$2 million supports additional Realty staff at Trust field locations to manage increased infrastructure development document processing to ensure leasing, rights-of-way, and other approval processes are completed timely.

The budget also proposes to shift funding for the DOI Office of Hearings and Appeals (OHA) Probate Hearings Division to BIA from the Bureau of Trust Funds Administration. This transfer will align OHA’s Probate Hearings Division function with BIA’s Probate Real Estate function, allowing the Department to more efficiently process probate cases to completion by improving coordination between BIA and OHA.

BIA requests \$30.5 million, a \$22.5 million increase above 2023 enacted, for the Indian Land Consolidation Program (ILCP), which purchases fractional interests from willing individual Indian landowners and conveys those interests to the Tribe with jurisdiction. ILCP funding recognizes the ongoing need to continue to address fractionation on Indian lands while also focusing support on Tribes’ plans for and adaptation to climate change. This program is especially important since the Land Buy-Back Program for Tribal Nations (LBBP), established as part of the Cobell Settlement, ended in November 2022. The ILCP has incorporated lessons learned from the LBBP and the previous ILCP in BIA to ensure effective program implementation.

The budget includes \$12.0 million for the creation of a new Tribal Land and Water Conservation Fund (LWCF) land acquisition program. During LWCF listening sessions held in 2022, one of the top priorities Tribes identified was direct access to LWCF funding for conservation and recreation LWCF projects without the existing program requirements to partner with or apply through States. BIA will primarily provide funding to Tribes to acquire lands or easements for the purposes of protecting and conserving natural resource areas that may also be of cultural importance to the Tribe or have significant recreational benefits for Tribal communities, consistent with the purposes of LWCF funding. BIA plans to hold formal Tribal consultation on the establishment and eligibility criteria of the program. This new program will further enhance the ability of Tribes to address the climate crisis, support Tribal sovereignty and self-determination, and provide another important tool to support Tribal co-stewardship.

INVEST IN CLIMATE RESILIENCE, NATURAL RESOURCE MANAGEMENT AND CO-
STEWARDSHIP

The budget includes \$385.9 million, a \$52.7 million increase over 2023 enacted, for critical trust natural resources activities and investing in climate resilience and environmental justice. BIA requests \$48.0 million for the Tribal Climate Resilience program. This program includes the Tribal Climate Adaptation Grant program, which is funded at \$24.8 million to better assess and meet Tribal climate adaptation needs, and the Climate Relocation Grant program, which is funded at \$15.5 million, \$6 million more than the 2023 enacted amount. The Tribal Climate Resilience program also includes \$7.8 million for Tribal youth corps programs, an important jobs initiative to tackle climate change on the ground, ensure a living wage, and provide skills and a pathway to employment.

With a focused investment in the deployment of clean energy in Tribal communities, the budget includes \$47.7 million for Energy and Minerals activities. Indian Affairs views renewable energy as one of many tools available to American Indians and Alaska Natives to create sustainable economies on Indian land.

The 2024 budget proposes to shift the Office of Subsistence Management (OSM) to the Office of the Assistant Secretary for Indian Affairs from the U.S. Fish and Wildlife Service. OSM provides administrative support to the Federal Subsistence

Board and the Federal Subsistence Regional Advisory Councils, in addition to supporting the subsistence regulatory process and the Fisheries Resource Monitoring program. Shifting OSM will maintain important expertise while facilitating expanded Tribal co-management partnerships and the incorporation of indigenous knowledge into subsistence management.

The BIA budget further invests in the health and safety of Tribal communities. BIA requests \$38.8 million for the Environmental Quality Projects program, an increase of \$10.9 million over 2023 enacted, which includes funding to continue remediation of the former Tuba City Dump Superfund site, which continues to threaten the drinking water of the Navajo Nation and the Hopi Tribe.

ADVANCE ECONOMIC OPPORTUNITIES

The 2024 budget funds the Community and Economic Development activity at \$77.6 million, a \$46.4 million increase above 2023 enacted levels, to advance economic opportunities in Indian Country. Within the total funding provided, Job Placement and Training is funded at \$15.8 million and includes an additional \$2.0 million for job training programs focusing on clean energy development that is a complementary investment to the Tribal Electrification funding provided in the Inflation Reduction Act. Economic Development projects are funded at \$50.7 million and include a request for an additional \$27.5 million investment in Native language revitalization, which is crucial to preserve endangered languages, promote self-determination, and strengthen Tribal communities. BIA also requests a \$5.0 million increase to establish an economic development component of the Tiwahe Initiative, which will provide funding directly to Tribal governments to design and operate comprehensive and integrated economic and community development programs.

The 2024 budget request for the Indian Guaranteed Loan Program is \$15.5 million, which will guarantee or insure \$202.3 million in loan principal to support Indian economic development across Indian Country. This includes an additional \$1 million for loan subsidies and \$0.5 million for staffing to increase technical assistance. By strengthening the economic base of Tribal communities, the Tribal governments near those businesses progress toward greater self-determination.

LAND AND WATER CLAIMS SETTLEMENTS

Tribal land and water rights settlements ensure that Tribes have access to land and water to meet domestic, economic, and cultural needs. The 2024 budget proposes \$976,000 for the Settlements account. The 2024 funding request covers the continuing implementation of the White Earth Reservation Land Settlement Act (Public Law 99-264) and Truckee River Operating Agreement (Public Law 101-618). The Budget also proposes \$2.8 billion in new mandatory funding over 10 years for Tribal water rights settlements requirements, including \$2.5 billion to cover the costs of enacted and future settlements and \$340 million for ongoing costs associated with enacted settlements managed by the Bureau of Reclamation.

INFRASTRUCTURE INVESTMENT

BIA is responsible for more than 29,000 miles of paved, gravel and earth-surface roads and more than 1,000 bridges. Maintaining these roads is critical to public safety, education and economic development purposes. The FY 2024 budget includes \$51.3 million for road maintenance, an increase of \$12.1 million to support pavement and gravel maintenance, remedial work on improved earthen roads, bridge maintenance, and snow and ice control.

The 2024 budget includes \$199.8 million for Construction activities, a \$46.5 million increase from the 2023 enacted level. The funding includes an increase of \$23.8 million for replacement and deferred maintenance projects to address needs at PS&J facilities, particularly detention centers. It also includes a \$4.6 million increase for the irrigation rehabilitation program, and additional land an additional \$10.3 million for Dam maintenance. BIA is responsible for 141 high- or significant-hazard dams on 42 Indian reservations. The Construction program also includes a \$6.8 million increase to support the Administration's governmentwide goal to accelerate the use of zero- emission vehicles to enable a clean transportation future.

CAPACITY BUILDING

The budget includes critical staff capacity building across our programs. The needs range from an increase for human capital capabilities to supporting the White House Council on Native American Affairs in its critical role coordinating the Federal Government's engagement with Tribal communities, to providing adequate staffing for the 105(l) Tribal lease program which is on a path to have over 200

leases in place in FY 2023. Adequate staffing is critical to ensuring timely and effective delivery to the Tribal nations we serve.

BUREAU OF INDIAN EDUCATION

The FY 2024 budget request for BIE programs within the Department totals \$1.6 billion. The Budget includes key investments to strengthen BIE's autonomy as a Federal agency and improve local services for Tribally controlled and bureau-operated schools while also advancing equity for historically underserved Tribal communities.

OPERATION OF INDIAN EDUCATION PROGRAMS

The 2024 budget provides \$1.2 billion for Operation of Indian Education Programs. The core mission of BIE is to support Bureau Operated and Tribally Controlled schools and administer grants to Tribal institutions of higher education.

The request includes \$925.5 million for operating the entire BIE elementary and secondary school system-169 elementary and secondary schools, and 14 dormitories-by providing educational services to approximately 45,000 students in 23 States. Funds support the basic and supplemental education programs at BIE-funded schools, student transportation, facility operations, and maintenance. The budget advances sovereignty in education by proposing a provision allowing for the expansion of more than one grade at BIE-funded schools with a K-2 or K-4 structure. Currently, K-4 schools are only allowed to expand by one grade. This proposal will allow BIE to expand educational services to communities already being served.

The 2024 request includes targeted funding to improve Indian student academic outcomes, address maintenance needs, support expanded preschool and Native language programs, and provide pay parity for Tribal teachers while fully funding projected Tribal Grant Support Costs. The Budget provides \$508.7 million, a \$27.0 million increase over 2023 enacted, for Indian School Equalization Program funds to enhance opportunities and outcomes in the classroom, provide improved instructional services, and support increased teacher quality, recruitment, and retention. The request level of \$22.1 million, including a \$500,000 program increase, for Education Program

Enhancements supports professional development for teachers, advances the quality of in-classroom instruction, and incorporates improved Native language and culture programs in classrooms. Early Child and Family Development funding of \$26.1 million enables BIE to provide preschool opportunities at BIE-funded schools.

For Facilities Operations and Maintenance, BIE requests \$160 million, a \$5.6 million increase over the 2023 enacted amount, and includes investments to keep pace with operational cost increases and support the timely maintenance and replacement of equipment at BIE schools. The Budget also includes \$22.6 million, including a \$2.0 million program increase, for the Johnson-O'Malley program, which is authorized to support the individualized educational needs of eligible Indian students enrolled in public schools and nonsectarian private schools.

The Budget continues to invest in activities that promote educational self-determination for Tribal communities and includes \$98.7 million for Tribal Grant Support Costs for Tribes that choose to operate BIE-funded schools. This level of funding supports 100 percent of the estimated requirement. The request includes \$189.6 million for Postsecondary Programs, a \$6.0 million increase over 2023 enacted. The 2024 budget continues recognition of the critical role Tribal postsecondary institutions have in empowering Indian students and promoting equity for Tribal communities. These institutions are on or near reservations; they directly serve Tribal communities with culturally relevant education and career pathways in a supportive environment. Postsecondary education of Tribal members remains an essential component in the economic development of many Tribes.

The proposed budget will provide \$34.9 million, including a \$2.0 million program increase, for BIE operated Haskell Indian Nations University and Southwestern Indian Polytechnic Institute; \$87.9 million for grants to 29 Tribal Colleges and Universities (TCUs); and \$10.7 million for grants for two Tribal Technical Colleges, as well as \$43.4 million for the Scholarships and Adult Education program to improve educational opportunities and serve a larger population of qualified Native American students.

EDUCATION MANAGEMENT

The Budget includes \$79.3 million, an increase of \$12.1 million over 2023 enacted, for education management and information technology (IT) to optimize learning opportunities for students of all ages. Education Program Management (EPM) funding supports ongoing improvements in high-priority functional areas, including acquisi-

tion, school safety and security, behavioral and mental health support, performance tracking, and technical support to schools in the field. Other management activities include data collection, analysis, and reporting; financial and budget functions; oversight and coordination of major facility repairs; and management of grant applications. BIE IT includes the Native American Student Information System, wide area network infrastructure, and general support systems used by BIE-funded schools.

The budget proposes \$33.7 million, an increase of \$5.8 million over the 2023 enacted level, for Education IT to support the ongoing costs of distance learning and enhanced classroom technology. BIE continues to collaborate with Tribes and communities to alleviate ongoing strains imposed by the COVID-19 pandemic on BIE students and their families, teachers, administrators, and other staff members in K-12 schools and at TCUs. The 2024 Budget will enable BIE to leverage ongoing infrastructure investments in new technology and operational capabilities at BIE-funded schools, including the new Education Learning Management System, by supporting comprehensive online delivery of educational courses to students and professional development opportunities for teachers.

EPM initiatives in 2024 include the continued implementation of a School Operations Office of Self-Determination to develop Tribal capacity and promote maximum Indian participation in educational programs and services; and BIE's Social Emotional Learning project to develop a national curriculum to support behavioral health and wellness programs at BIE-funded schools. The funding in 2024 will also allow EPM to calculate and report on methodologies for maximizing the benefits to underserved communities.

EDUCATION CONSTRUCTION

The 2024 Budget includes \$416.2 million, an increase of \$148.3 million over 2023 enacted, in annual funding for Education Construction to replace and repair school facilities and address deferred maintenance needs at campuses across the BIE school system. This funding includes substantial investments to address the climate crisis with more sustainable BIE infrastructure. Whenever feasible, BIE facilities projects incorporate techniques to reduce energy and water consumption and greenhouse gas emissions and to prepare the facilities for the predicted effects of climate change.

The proposed \$252.5 million for Replacement School Construction, a \$136.0 million increase over the 2023 enacted amount, and \$23.9 million for Replacement Facility Construction are critical to ensuring that all Native students can develop in an environment conducive to quality educational achievement. With the Replacement School Construction, Replacement Facility Construction, and Great American Outdoors Act (Public Law 116-152) funding anticipated through 2024, BIE expects to support planning, design, and construction work at nine BIE schools; final allocations are pending completion of the design phase and refined cost estimates for each school. Appropriate housing is a key element for educational staffing, especially at schools in remote locations. An additional \$139.8 million is included for other housing and facilities repair programs, including a \$9.7 million program increase for facilities improvement and repair and a \$2.5 million increase for new/replacement employee housing.

BUREAU OF TRUST FUNDS ADMINISTRATION

The FY 2024 budget includes \$109.1 million to support BTFA's execution of Federal trust responsibilities to American Indian and Alaska Native Tribes, individuals, and communities. The request is \$2.2 million below the FY 2023 enacted reflecting the proposed transfer of funding supporting probate related work in the Office of Hearings and Appeals from BTFA to BIA. The budget promotes investments in programs to ensure the Department is meeting its financial management trust obligations. It also includes a targeted increase for staffing needs to improve customer service and advance the Department's Diversity, Equity, Inclusion and Accessibility Initiative.

I strongly encourage the Congress to accept the BTFA organizational structure in the FY 2024 appropriations bill. BTFA provides a unique Federal trust function that is appropriately separate from the responsibilities of the BIA. Approving this structure will strengthen the organization's ability to focus on its core mission responsibilities and on additional complex and high-visibility projects. Specifically, BTFA is leading the research effort on the Secretary's Federal Indian Boarding School Initiative and has the lead on implementing an Electronic Records Management Program for all of Indian Affairs. In addition, improving government customer service is one pillar of the President's Management Agenda. In that arena, BTFA is one of

four High Impact Service Providers at DOI, and works extensively, along with other agencies, to improve services to our beneficiaries.

CONCLUDING STATEMENT

This FY 2024 budget continues to support the Administration's commitment to honor trust responsibilities to Tribes and self-determination. The 2024 budget continues investments to empower Tribal communities, strengthen climate resilience, improve quality of life, create economic opportunities, increase focus on environmental quality and justice needs in Tribal communities, and preserve and foster cultural heritage. Interior's programs maintain strong and productive government-to-government relationships with Tribes, helping to promote Tribal nation building and self-determination.

Senator MERKLEY. Thank you, very much Secretary Newland.

And I will turn to Director Tso, Director of Indian Health Services. Welcome.

STATEMENT OF HON. ROSELYN TSO, DIRECTOR, INDIAN HEALTH SERVICE

Ms. TSO. Good morning. Thank you, Chairman Merkley, and Ranking Member Murkowski, and Members of the Committee, thank you for the opportunity to testify on the President's fiscal year 2024 Budget Request for the Indian Health Service.

Before I begin, though, I want to thank and acknowledge the members of this committee for the work that you have done to grow the IHS budget and prioritize health throughout Indian Country. We are especially grateful for your work in providing IHS Advance appropriations in fiscal year 2023 Bill, this is truly in a historic achievement, and that will greatly improve the lives of Native American families throughout Indian Country.

I also appreciate the opportunity to share with you the steps that I have taken as the IHS Director to improve transparency, accountability, and oversight at the Indian Health Service. As we seek additional resources and new funding authorities it is critical that the Indian Health Service improve its internal operations to ensure safe, high quality health care services, and protect and support its relationships with Tribes and urban Indian organizations.

To that end, I have published the first-ever agency work plan to manage high priority topics, including Enterprise Risk Management, on January 15th. The agency work plan addresses a wide range of issues, including patient safety, human capital, operations, finance, compliance, and strategies. This work builds on our efforts to meet the GAO criteria for removal from the—IHS from the high risk lists.

The Indian Health Service has already completed two major accomplishments on the work plan. First, I initiated a full evaluation of the agency's quality program in December of 2022, with primary focus of improving oversight and accountability, and ensuring quality and safe care for our patients.

Also, in December we were able to meet a major milestone which was to standardize governance throughout the Indian Health Service structure and all of our IHS operated facilities. What this does for the Indian Health Service for the first time, is align the resources that we have to the responsibilities that we have through the Indian Health Service, by standardizing Governing Board practices at our Direct Care Facility, supports a uniform approach, and

also supports oversight and accountability while increasing efficiencies.

Basically what this means, is that all of our IHS facilities now operate under one set of governance. And so for me as the IHS Director, I want to be able to scan the Indian Health Service at any given time, to be able to evaluate what is going on out there in Indian Country, and particularly at those sites that we are—continue to be responsible for.

And with that, with your support, the IHS budget has grown 68 percent in the last decade. We know that this type of growth is challenging to accomplish in a constrained, discretionary funding environment. Over the years the work with our Tribal and urban partners underscore our shared goals to improve health outcomes for All American Indians and Alaska Natives.

It is with this shared goal in mind that the administration approached the fiscal year 2024 budget request for the IHS. We know that despite our shared efforts IHS is still underfunded. This underfunding of the Indian Health System directly contributes to the stark health disparities in our Indian communities.

American Indians and Alaska Natives born today have an average life expectancy that is 10.9 years fewer than U.S. all-race population. Long-standing health disparities were compounded by the pandemic, with the American Indians and Alaska Natives experiencing disproportionate rates of COVID-19 infections, hospitalizations, and death. Addressing these inequities is a moral imperative for our Nation, and will require bold actions from all of us to ensure that we are upholding our commitments to Indian Country.

This is why the budget proposes to build on the enactment of the advance appropriations for funding for the Indian Health Service and Facilities Accounts as discretionary.

Beginning in fiscal year 2025, the budget would make all funding for IHS mandatory. The administration continues to stand behind mandatory funding as it is the most appropriate long-term funding solution for Indian Health Service. We know that is significant change that will take time and collaboration with Congress and Tribes to accomplish. We believe that the change of this magnitude is overdue, and we must deliver for Indian Country and in line with long-standing recommendations from Tribal leaders across the Nation.

As noted in the GAO report, annual discretionary appropriations leaves IHS Tribal and Urban Indian Health Programs open to negative impacts from budgetary uncertainties. The President's budget would address these three core issues identified by GAO: funding, stability, predictability, and adequacy.

As we work towards securing stable, predictable, and adequate funding to meet the needs of Indian Country, we are committed to working closely with all of our stakeholders.

Thank you for the opportunity to speak with you. And I am happy to answer any questions.

[The statement follows:]

PREPARED STATEMENT OF HON. ROSELYN TSO DIRECTOR

Good afternoon Chairman Merkley, Ranking Member Murkowski, and Members of the Committee. Thank you for your support and for inviting me to speak with

you about the President's Fiscal Year (FY) 2024 Budget Request for the Indian Health Service (IHS).

IHS is an agency within the Department of Health and Human Services (HHS) and our mission is to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives (AI/AN) to the highest level. This mission is carried out in partnership with AI/AN Tribal communities through a network of over 600 Federal and Tribal health facilities and 41 Urban Indian Organizations (UIOs) that are located across 37 States and provide health care services to approximately 2.8 million AI/AN people annually.

On March 9, 2023, the White House released the President's FY 2024 Budget, which takes a two pronged approach to build on the historic enactment of advance appropriations for the IHS in the FY 2023 Omnibus. In FY 2024, the Budget proposes to fund IHS Services and Facilities accounts as discretionary, building on the enacted 2024 advance appropriations. It also proposes to reclassify Contract Support Costs and Section 105(l) Leases to mandatory funding in FY 2024, which is the most appropriate funding source for these legally required payments to Tribal health programs. Beginning in FY 2025, the Budget would make all funding for IHS mandatory. The bold action proposed in the FY 2024 President's Budget demonstrates the Administration's continued commitment to strengthening the Nation-to-nation relationship. This historic proposal addresses long-standing challenges that have impacted communities across Indian Country for decades.

LEADERSHIP PRIORITIES

I have been traveling across Indian Country to visit the places where we are serving our people since my appointment last fall. These visits have provided me a better perspective on national and regional issues affecting the Tribal members we serve and have informed my priorities for the agency. I have two key priorities as IHS Director: providing safe, high quality patient care; and improving our relationships with Tribes, Tribal Organizations, and Urban Indian Organizations. To those ends, I have taken significant steps to increase transparency, accountability, and oversight at the IHS. The IHS published its first ever Agency Work Plan¹ to manage high priority, enterprise-wide risks on January 15. I hold quarterly strategic planning sessions with leadership from across the Agency to ensure progress on the Work Plan, and I have assigned a lead to each action on the Work Plan. These actions address a wide range of Agency-wide issues including patient safety, human capital, operations, finances, compliance, and strategy. This work builds on the IHS' efforts to meet the Government Accountability Office's (GAO) criteria for removal from its high risk list.

The IHS has achieved two major accomplishments on the Work Plan thus far. I initiated an evaluation of the Agency's quality program in December 2022, with a primary focus on improving oversight of quality and safe care for patients. In general, this evaluation included a continued focus on oversight and accountability through developing policies, standardizing the IHS governance structure and strengthening IHS' enterprise risk management program.

Standardizing governing board practices at direct service facilities improves oversight and accountability while increasing efficiency and effectiveness of governing board meetings. These actions allow the Agency to be proactive on governance issues by being able to review information in an efficient manner. These efforts were led by a team of subject matter experts from across the Agency, with oversight and technical direction by the IHS Chief Medical Officer.

Funding issues directly contribute to challenges in providing safe, high-quality care for patients, and supporting productive relationships between the IHS and Tribes and Urban Indian Organizations. The Indian Health system is chronically underfunded compared to other healthcare systems in the U.S.^{2,3} Despite substantial growth in the IHS discretionary budget over the last decade, 68 percent from FY 2013 to the current FY 2023 enacted level, the growth has not been sufficient to address the well-documented funding gaps in Indian Country. These funding deficiencies directly contribute to stark health disparities faced by Tribal communities.

¹ Indian Health Service-2023 Agency Work Plan: <https://www.ihs.gov/quality/work-plan-summary/>

² Government Accountability Office Report—Indian Health Service: Spending Levels and Characteristics of IHS and Three Other Federal Health Care Programs <https://www.gao.gov/assets/gao-19-74r.pdf>

³ U.S. Commission on Civil Rights Report—Broken Promises: Continuing Federal Funding Shortfall for Native Americans <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>

AI/ANs born today have an average life expectancy that is 10.9 years fewer than the U.S. all-races population. AI/AN life expectancy dropped from an estimated 71.8 years in 2019 to 65.2 years in 2021—the same life expectancy as the general United States population in 1944⁴. They also experience disproportionate rates of mortality from most major health issues, including chronic liver disease and cirrhosis, diabetes, unintentional injuries, assault and homicide, and suicide. AI/AN people also have higher rates of colorectal, kidney, liver, lung, and stomach cancers than non-Hispanic White people.⁵ The pandemic compounded the impact of these disparities in Tribal communities, with AI/ANs experiencing disproportionate rates of COVID-19 infection, hospitalization, and death.

BUILDING ON THE HISTORIC ACHIEVEMENT OF ADVANCE APPROPRIATIONS

The FY 2024 President's Budget builds on the historic enactment of advance appropriations for IHS in the FY 2023 Omnibus. For the first year of the proposal, the Budget includes \$9.7 billion in total funding for the IHS, which includes \$8.1 billion in discretionary funding, and \$1.6 billion in proposed mandatory funding for Contract Support Costs, Section 105(l) Leases, and the Special Diabetes Program for Indians. This is an increase of \$2.5 billion above the FY 2023 Enacted level. Advance appropriations represent an important step towards securing stable and predictable funding to improve the overall health status of AI/ANs, and ensuring that the disproportionate impacts experienced by Tribal communities during government shutdowns and continuing resolutions are never repeated.

While the progress achieved through the enactment of advance appropriations will have a lasting impact on Indian Country, funding growth beyond what can be accomplished through discretionary spending is needed to fulfill the Federal Government's commitments to AI/AN communities. Funding for IHS has grown substantially in the last decade, but this growth is not sufficient to address the historic under investment and persistent health disparities in AI/AN communities.

The Administration continues to support mandatory funding for IHS as the most appropriate long-term funding solution for the agency and will continue to work collaboratively with Tribes and Congress to move toward sustainable, mandatory funding. Until this solution is enacted, it is critical that Congress continue to provide advance appropriations for IHS through the discretionary appropriations process for FY 2025 and beyond.

LONG-TERM FUNDING SOLUTIONS

The Budget proposes to fully shift the IHS budget to mandatory funding in FY 2025. This mandatory formula culminates in a total funding level of approximately \$44.0 billion in FY 2033. In total, the mandatory budget would provide nearly \$288 billion for the IHS over 10 years. When accounting for the discretionary baseline, the net-total for the proposal is \$192 billion over 10 years.

Under the proposed mandatory structure, IHS funding would grow automatically to address inflation factors to address the growing cost of providing direct health care services, including pay costs, medical and non-medical inflation, and population growth, as well as key operational needs, and existing backlogs in both healthcare services and facilities infrastructure.

Mandatory funding for the IHS provides the opportunity for significant funding increases that could not be achieved within discretionary spending levels. Further, this mandatory funding proposal ensuring predictability that would allow IHS, Tribal, and urban Indian health programs the opportunity for long-term and strategic planning. This increased stability and ability to conduct longer-term planning will improve the quality of healthcare, promote recruitment and retention of health professionals, and enhance management efficiencies for individual health programs and the Indian Health system at large.

The Budget also exempts all IHS funding from sequestration, which is the legislatively mandated process of budget control consisting of automatic, across-the-board spending reductions to enforce budget targets to limit Federal spending. Exempting the IHS budget from sequestration ensures funding for direct health care services

⁴Centers for Disease Control and Prevention (CDC) Report—Life Expectancy in the U.S. Dropped for the Second Year in a Row in 2021
https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/20220831.htm#:text=AIAN%20people%20had%20a%20life,total%20U.S.%20population%20in%201944

⁵Centers for Disease Control and Prevention (CDC)- Cancer Within American Indian and Alaska Native (AI/AN) Populations
<https://www.cdc.gov/healthytribes/native-american-cancer.html>

for AI/ANs is not reduced and is consistent with the treatment of other critical programs such as veterans' health care and nutrition assistance programs.

Lastly, the Budget proposes to reauthorize the Special Diabetes Program for Indians and provide \$250 million in FY 2024, \$260 million in FY 2025, and \$270 million in FY 2026 in new mandatory funding. This program has proven to be effective at reducing the prevalence of diabetes among AI/AN adults⁶, and is associated with an estimated net-savings to Medicare of up to \$520 million over 10 years due to averted cases of end-stage renal disease⁷. The budget's proposed increases will enable the program to expand to additional grantees, and allow the grantees to plan for larger and longer-term community-driven interventions more effectively. Without the reauthorization of this program in FY 2024 services would end for this successful program.

This request responds to the long-standing recommendations of Tribal leaders shared in consultation with HHS and IHS to make IHS funding mandatory. The IHS recognizes that we must continue to work in consultation with Tribes and confer with urban Indian organizations, and with our partners in Congress. To this end, a joint OMB and HHS Tribal consultation and urban confer will be conducted in June to review this proposal and receive feedback to inform further refinements to the mandatory formula structure.

PRIORITIZING HIGH QUALITY HEALTH CARE

The Budget prioritizes investments that advance high quality health care and tackle the stark health care inequities AI/ANs face every day.

In FY 2024 the Budget provides +\$742 million increase to expand access to direct health care services by increasing funding across IHS' direct health care service program lines. These resources will support efforts to reduce health disparities and improve the overall health status for AI/ANs by increasing the availability of health care services in Indian Country. Specifically, this funding level will support an estimated additional 45,670 inpatient admissions and 16,976,299 outpatient visits at IHS and Tribal facilities in FY 2024. This funding also expands access to the Purchased/Referred Care program for contract health care services that are not available in IHS or Tribal health facilities by providing an estimated 3,138 additional inpatient admissions, 92,248 additional outpatient visits, and 3,262 additional patient travel trips. The Budget also expands Dental health services, supporting an estimated 167,119 additional dental visits and 529,462 additional dental services in FY 2024. Within this total, the Budget includes an additional \$21 million for the Urban Indian Health Program to expand access to culturally competent direct health care services through a network of 41 Urban Indian Organizations located in urban areas across the country. Expansion of these programs is essential to ensure that IHS can provide high quality medical services and support critical health care services that meet the unique needs of AI/AN communities.

In addition, Current Services, which offset the rising costs of providing direct health care services, are fully funded at +\$346 million in FY 2024. These resources will help the IHS to maintain services at the FY 2023 levels by shoring up base operating budgets of IHS, Tribal, and urban Indian health programs in the face of increasing costs. Similarly, in FY 2024, the Budget includes +\$82 million to fully fund staffing and operating costs for eight newly-constructed or expanded health care facilities. These funds support the staffing packages for new or expanded facilities, which will expand the availability of direct health care services in areas where existing health care capacity is overextended. The mandatory funding formula fully funds Current Services and staffing and operating costs for newly opening facilities in the out-years.

The Budget also makes targeted investments to address our Nation's most pressing public health challenges, which disproportionately impact AI/AN communities. For the first time ever, the Budget proposes dedicated funding to address disparities in cancer rates and mortality among AI/AN, providing \$108 million for the Cancer Moonshot Initiative. Through this initiative, the IHS would develop a coordinated public health and clinical cancer prevention initiative to implement best practices and prevention strategies to address incidence of cancer and mortality among AI/AN. Similarly, the Budget requests funding to address HIV, Hepatitis C, and Sexu-

⁶ 4 British Medical Journal- Prevalence of diagnosed diabetes in American Indian and Alaska Native adults, 2006-2017
<https://drc.bmj.com/content/8/1/e001218>

⁷ HHS Assistant Secretary for Planning and Evaluation Issue Brief- The Special Diabetes Program for Indians Estimates of Medicare Savings
https://aspe.hhs.gov/sites/default/files/private/pdf/261741/SDPI_Paper_Final.pdf

ally Transmitted Infections (+\$47 million), improve maternal health (+\$3 million), and address opioid use (+\$9 million) in Indian Country.

The Budget also makes numerous investments in high priority areas, such as recruitment and retention of high quality health professionals, expansion of the successful Community Health Aide Program, and other activities that support high quality health care.

Likewise, from FY 2025 to FY 2029, the Budget requests an additional +\$11.2 billion in mandatory funding for the Indian Health Care Improvement Fund to address the funding gap for direct healthcare services documented in the FY 2018 level of need funded analysis.⁸ The Budget would continue growth for direct services once the 2018 gap is addressed. This funding would be distributed using the Indian Health Care Improvement Fund formula. The formula is used to target the Indian Health Care Improvement Fund appropriations to the sites with the greatest need, as compared to the benchmark of National Health Expenditure Data, which is maintained by the Centers for Medicare and Medicaid Services. The formula is the product of longstanding consultation with Tribes.

The outyear mandatory formula also prevents a sharp reduction in services by providing an additional +\$220 million in FY 2025 to partially sustain the one-time American Rescue Plan Act investments that were appropriated to expand access to mental health and substance abuse prevention and treatment services, and to expand the public health workforce in Indian Country.

MODERNIZING CRITICAL INFRASTRUCTURE

In addition to funding for direct health care services, additional investments are needed to address substantial deficiencies in physical and information technology infrastructure across the IHS system. Outdated infrastructure poses challenges in safely providing patient care, recruiting and retaining staff, and meeting accreditation standards. From FY 2024 through FY 2029, the Budget includes critical funding increases to reduce or eliminate existing facilities backlogs and modernize the IHS Electronic Health Record (EHR) system.

Specifically, in FY 2024, the Budget provides \$913 million in discretionary funding for EHR modernization. The Budget then builds funding for EHR by +\$1.1 billion each year from FY 2025 through FY 2029 under the proposed mandatory formula. Once the EHR modernization effort is fully funded, the Budget provides sufficient resources for ongoing operations and maintenance of the new system. The current IHS EHR is over 50 years old, and the GAO identifies it as one of the 10 most critical Federal legacy systems in need of modernization. The IHS relies on its EHR for all aspects of patient care, including the patient record, prescriptions, care referrals, and billing public and private insurance for over \$1 billion reimbursable health care services annually. Expected benefits from adopting and implementing a modernized system include, but are not limited to, improved patient safety, improved patient outcomes, better disease management, enhanced population health, improved clinical quality measures, opioid tracking, patient data exchange, third party revenue generation, and agency performance reporting. Additionally, the new system will be interoperable with the Department of Veterans Affairs, Department of Defense, Tribal and urban Indian health programs, academic affiliates, and community partners, many of whom are on different health information technology platforms.

The IHS system also faces substantial physical infrastructure challenges—IHS hospitals are approximately 42 years old on average, which is almost four times the age of the average hospital in the United States. Infrastructure deficiencies directly contribute to poorer health outcomes for AI/ANs. The Budget addresses these needs by fully funding the 1993 Health Care Facilities Construction Priority list over 5 years. The remaining projects on the list include the Phoenix Indian Medical Center, Phoenix, AZ; Whiteriver Hospital, Whiteriver, AZ; Gallup Indian Medical Center, Gallup, NM; Albuquerque West Health Center, Albuquerque, NM; Albuquerque Central Health Center, Albuquerque, NM; Sells Health Center, Sells, AZ; Alamo Heath Center, Alamo, NM; Bodaway Gap Health Center, The Gap AZ; and Pueblo Pintado Health Center, Pueblo Pintado, NM. After the 1993 Health Care Facilities Construction Priority List is completed, funding will continue to increase to begin addressing the full scope of Facilities needs as identified in the most recent IHS Facilities Needs Assessment Report to Congress.

⁸Indian Health Service- FY 2018 Indian Health Care Improvement Fund Workgroup Interim Report
https://www.ihs.gov/sites/ihsif/themes/responsive2017/display_objects/documents/2018/2018_IHCIF_WorkgroupInterimReport.pdf

Furthermore, the Budget includes +\$10 million in discretionary funding in FY 2024 and +\$454 million in mandatory funding over 2 years, from FY 2025 to FY 2026, to fully fund the medical equipment backlog. Many IHS hospital administrators reported that old or inadequate physical environments challenged their ability to provide quality care and maintain compliance with the Medicare Hospital Conditions of Participation. The administrators also reported that aging buildings and equipment is a major challenge impacting recruitment and retention of clinicians.

Maintaining reliable and efficient buildings is also a challenge as existing health care facilities age and the costs to operate and properly maintain health care facilities increases. Many IHS and Tribal health care facilities are operating at or beyond capacity, and their designs are not efficient in the context of modern health care delivery. The Budget tackles this challenge by providing a +\$10 million discretionary increase for maintenance and improvement in FY 2024 and fully funding the 2022 Backlog of Essential Maintenance, Alteration, and Repair for IHS and Tribal facilities of \$1.02 billion over 2 years, from FY 2025 to FY 2026 under the mandatory formula.

The Budget ensures that these facilities investments can be rapidly addressed by providing sufficient administrative support increases. Specifically, the mandatory formula increases the Facilities and Environmental Health Support funding line at 13 percent of the rate of growth in Sanitation Facilities Construction (SFC) and 5 percent of the rate of growth in Health Care Facilities Construction, consistent with historical funding needs and IHS' current estimation methodology. This funding supports staff to oversee and implement facilities projects, as well as a comprehensive environmental health program within IHS. Within this increase, the Budget dedicates \$10 million in FY 2025 to support a nation-wide analysis to understand the cost implications of implementing section 302 of the Indian Health Care Improvement Act (25 U.S.C. 1632), which authorizes funding for operations and maintenance costs for Tribes who choose to directly compete their own SFC projects. The results of this analysis will be used and implemented as part of the updated mandatory formula structure. These funds would be used by IHS and Tribes to ensure that existing SFC projects are reaching their maximum life-cycle and operations of these projects are sustainable for as long as possible. In FY 2027, the Budget provides an additional \$250 million in mandatory funding to address operation and maintenance costs for complete sanitation facilities projects, addressing longstanding recommendations from Tribes.

Lastly, the IHS is grateful for the additional \$3.5 billion in Sanitation Facilities Construction funding provided by the Infrastructure Investment and Jobs Act (IIJA). These funds will make a transformational impact on essential sanitation needs across Indian Country. To maintain existing project completion deadlines and support IHS and Tribes in successfully implementing IIJA resources, the Budget includes +\$49 million in FY 2024 to support implementation of the \$3.5 billion provided by the IIJA for Sanitation Facilities Construction (SFC). This funding is within the Facility and Environmental Health Support funding line and will support additional salary, expenses, and administrative costs beyond the 3 percent allowed in the IIJA. These funds would also be available to Tribal Health Programs, which is not currently permissible under the 3 percent set-aside for administrative costs in the IIJA.

SUPPORTING SELF-DETERMINATION

IHS continues to support the self-determination of Tribes to operate their own health programs. Tribal leaders and members are best positioned to understand the priorities and needs of their local communities. The amount of the IHS budget that is administered directly by Tribes through Indian Self-Determination and Education Assistance Act contracts and compacts has grown over time, with over 60 percent of IHS funding currently administered directly by Tribes. Tribes design and manage the delivery of individual and community health services through 22 hospitals, 330 health centers, 559 ambulatory clinics, 76 health stations, 146 Alaska village clinics, and 7 school health centers across Indian Country. In recognition of this, the Budget proposes to reclassify these costs to a mandatory indefinite appropriation with estimated funding levels of \$1.2 billion for Contract Support Costs and \$153 million for Section 105(l) Lease Agreements in FY 2024. The Budget maintains indefinite mandatory funding for these accounts across the 10-year budget window to ensure these payments to ISDEAA contractors and compactors are fully funded.

COVID-19 RESPONSE AND FUTURE EMERGENCY PREPAREDNESS

Throughout the COVID-19 pandemic, the IHS has made incredible achievements to save lives and improve the health of AI/ANs across the Nation. The IHS has

worked closely with our Tribal and Urban Indian Organization partners, State and local public health officials, and our fellow Federal agencies to coordinate a comprehensive public health response to the pandemic. Our number one priority has been the safety of our IHS patients and staff, as well as Tribal community members.

COVID-19 has disproportionately impacted AI/ANs. Deficiencies in public health infrastructure exacerbated the impact of COVID-19 on AI/ANs. To address the long-term impacts of COVID-19, in FY 2025 the Budget provides a +\$130 million mandatory funding increase to support IHS patients in recovery from the long-lasting effects of the COVID-19 pandemic, including treatment for long haul COVID-19. Based on data from 14 States, age-adjusted COVID-19 associated mortality among AI/AN was 1.8 times that of non-Hispanic Whites. In 23 States with adequate race and ethnicity data, the cumulative incidence of laboratory-confirmed COVID-19 among AI/AN was 3.5 times that of non-Hispanic Whites. COVID-19 hospitalizations and mortality rates among AI/AN were 2.7 and 1.4 times those among White persons, respectively.

The Budget also establishes a new dedicated funding stream within the mandatory formula to address public health capacity and infrastructure needs in Indian Country. This funding will support an innovative hub-and-spoke model to address local public health needs in partnership with Tribes and urban Indian organizations. Establishing a new program to build public health capacity is a key lesson learned from the COVID-19 pandemic, and a top recommendation shared by Tribal leaders in consultation with HHS. This includes \$150 million in FY 2025, and would grow in the out-years under the formula, for a total of \$500 million over the ten-year window. Additional resources are necessary to develop appropriate public health and emergency preparedness capacity in AI/AN communities to prevent these disproportionate impacts in the future. As of 2021, only four Tribal public health agencies are accredited through the Public Health Accreditation Board. Comparatively, 40 State and 305 local public health agencies were accredited as of 2021.⁹

CLOSING

The FY 2024 Budget makes bold strides toward the goal of ensuring stable and predictable funding to improve the overall health status of AI/AN communities. The Budget is a historic step and the start of an ongoing conversation with Tribes to ensure the IHS system is meeting the healthcare needs in Indian Country. HHS looks forward to working in consultation with Tribes, urban Indian organizations, and Congress to refine this proposal through the legislative process to strengthen the Nation-to-Nation relationship.

Senator MERKLEY. Well, thank you very much. And we will submit your full testimony for the record, if that is fine for both of you. Great. Without objection.

FUNDING FLAT WITH FISCAL YEAR 2022

So the House Republican budget, as mentioned by Chair Murray, essentially freezes funding to the fiscal year 2022 level which seems entirely at odds with the bipartisan support for Tribal programs.

Director Tso, can you give us a sense of what would be the biggest impact on Tribal health if that was to occur?

Ms. Tso. Thank you, for that question Chairman. So any reduction in health care resources to Indian Country would be devastating. We know that already today there is a severe impact on our Tribal communities as we have already noted earlier, the impacts of not only the ongoing COVID-19, and the subsequent services that will be required for long-term—Long COVID, and moreover the opioid issues, the mental health issues that are huge within Indian Country.

⁹Office of Disease Prevention and Health Promotion- Increase the number of Tribal public health agencies that are accredited <https://health.gov/healthypeople/objectives-and-data/browse-objectives/public-health-infrastructure/increase-number-tribal-public-health-agencies-are-accredited-phi-03/data>

At this time, right now, we are already at close to 40 percent vacancy rates from mental health support throughout the Indian Health Service. That is just trying to meet the mental health care needs of Indian Country is desperately needed, and that any resources or any cuts to the Indian Health Service would just further devastate our situation in Indian Country.

Senator MERKLEY. I was really struck, in your written testimony, where you mentioned in your oral testimony the 10.9 years life expectancy lower than the general average in America. But then you go on to list many of those areas, including much higher rates of many forms of cancer. Anyway there is a lot of work to be done there. And I do not want to see us moving backwards.

CSC AND 105L LEASES—MANDATORY

One of the initiatives is to reclassify contract support costs, and 105(l) building leases as mandatory funding. Now, that is kind of hard to remember, what are these contract support costs, and building leases, and why are they mandatory, and what are the core issues behind them? In fact, two cases have affirmed the Federal Government is required to reimburse Tribes for these costs.

So I have been referring to them as Tribal Sovereignty Payments because that is easy to understand, to encapsulate those terms, and it is a much clearer description of what these costs are, that the cost the Federal Government must pay the Tribes when they exercise their sovereignty to run their own programs.

So can you tell us how important these payments are to Tribes who choose the self-government options? And the importance of making these Tribal sovereignty payments mandatory?

Ms. TSO. Yes. Thank you for that. In 2016, when we first dealt with the Supreme Court's decision to reimburse Tribes, this was an area that I led for the Indian Health Service, and very important. We know that about 60 to 70 percent of the Indian Health Service has been contracted, or compacted, by Tribes throughout the country.

That being said, they absolutely rely on contract support costs to continue to operate, and cover the administrative costs that were not transferred to them by the Federal Government, and for them to continue to comply with rules and regulations that we all do in the health care arena. So we know how important that is for every contractor to make sure that they have those resources as immediately as possible.

It is complicated to get to the number that we can all agree on, but certainly every effort has been made to make sure that we do that. It is the same for 105(l) lease, these are lease authorities that are provided to the Indian Health Service, that we can, again, reimburse Tribes for their costs when they construct and own their own facilities there is a cost to running and operating those facilities, and that is the 105(l) lease reimbursement that Indian Health Service has.

Senator MERKLEY. Thank you. I am going to be pretty strict about us sticking to our time limits. And I now have 45 seconds left. So Assistant Secretary Newland, can you describe how your budget supports the ongoing efforts to reform Tribal jails; in 37 seconds?

Mr. NEWLAND. Thank you, Mr. Chairman. You know, we are requesting not only increased operation and maintenance costs for our BIA detention centers, but also replacement construction dollars increase as well. As I think it has been well documented, our jails across the BIA system are in poor condition, and we have also come up with an ability to rank them to prioritize which ones should be replaced, but we need the dollars to do that to make sure the people in our care and custody get the treatment they are entitled to.

Senator MERKLEY. Thank you. And I know there has been a fair much amount of attention to the deaths, and the conditions, and it needs attention. And feel free to follow up later.

CSC AND 105L LEASES

And let me turn this over to Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. I would like to focus my first round of questions on contract support costs, and the 105[l]s. You know, when you are trying to look at this through the appropriators' eyes and see the ever escalating costs that we are dealing with, I think it is important that we try, as best we can, to get a handle on this.

This is a question to both of you perhaps, but do the contract support costs and the 105(l) lease payments have statutory, regulatory, and court citations which define and quantify exactly what these costs are; does that exist out there; Assistant Secretary?

Mr. NEWLAND. Thank you, Ranking Member Murkowski. I can't give you a specific citation in this hearing, would be happy to follow up. We do know that those costs are mandated by law. And I can add that over the last five fiscal years at Indian Affairs, we have gone from zero 105(l) leases, to this year where we expect to hit nearly 300.

Senator MURKOWSKI. Right.

Mr. NEWLAND. And we see continued growth in that. And so when we have got these obligations by law to provide this level of funding, and an exponential growth in the number of requests, we are going to see—without a mandatory reclassification, we are going to see these funds crowd out the rest of the program dollars in the—

Senator MURKOWSKI. No. I understand, and I am equally concerned, know that. What I am trying to drill down though, is whether or not there is legally defined reference definitions. If you can provide the committee that information, I think it would be helpful.

And Mr. Chairman, I am asking for this because we are acknowledging, these are complicated things here, and I don't think that we can ignore the terms that are rooted in the statute, in the regulations, and what the court refers to. So as we are looking to reclassify these, I would simply urge the subcommittee here to utilize the terminology that is founded in the law, and the regs. I understand the desire to try to identify something for simplicity, but this is something I don't want to spend a lot of time on it, but I do want to try to get that that certainty there definitionally.

We recognize that in the Maniilaq decision back in 2016, which established the 105(l) leasing mandates that we have seen agencies

take a widely differing approach on how to structure the payments. And so because of this general provision has been included directing both IHS and Interior to begin this process to establish these guidelines regarding the parameters here.

105L LEASES

Can you give me a status update on what is being done at Interior, at IHS, to accomplish this legal requirement? And are there any regulatory changes that we may see coming from this? How do you see this shaping up?

Mr. NEWLAND. Thank you, Senator. Our teams, at both Indian Affairs and Indian Health Service, have had a lot of conversations with one another to make sure that we are synced up between our agencies on the 105(l) Leasing Program, and that there is consistency, more consistency between our agencies, on how we meet these obligations.

And we have also, through our budgeting process, been hearing from Tribes about how to make sure we are meeting our obligations, and we are looking at a number of ways to make sure that we are speaking with clarity about how we meet these obligations.

OMB VS. CBO SCORCES

Senator MURKOWSKI. So let me ask then, because it is my understanding that we have seen a difference in how OMB and CBO interpret and score the contract support costs on the 105[l]s. Do we know why we are seeing this, why the costs vary between the two scoring agencies, and what do we do about it? It is one thing to have alignment within the agencies, but if you have got different entities that are scoring things differently, are we trying to grapple with that one as well; Director Tso?

Ms. TSO. Yes, thank you. For the Indian Health Service we have done two things. One, we are moving the 105(l) lease to be a more centralized program, to make sure again, that we have that oversight. With regard to the scoring though, we recognize that difference as well, and we are looking to schedule to coordinate, and make sure that what the scoring that is coming out of the CBO, and what we are doing is more aligned as we move forward.

Senator MURKOWSKI. I hope we are able to reconcile that. Let us know if we can be helpful. Thank you.

Thank you, Mr. Chairman.

Senator MERKLEY. Well, thank you.

Senator Heinrich.

Senator HEINRICH. Thank you, Mr. Chairman. Secretary Newland, thanks to the STOP Act that was signed by President Biden into law in December, it is finally illegal to export objects of patrimony, sacred Tribal items for sale in foreign markets. And these are items that have been, obviously, illegal to sell here in the United States for decades. But until December, sellers could take them out of the country, and sell them overseas in auction houses, with very little recourse.

Senator Murkowski and I worked together for years to pass this legislation. Now, we need to make sure it is implemented well. What are the plans to implement the STOP Act and ensure that these illegal exports are finally prevented, in a systemic way?

Mr. NEWLAND. Thank you, Senator. We have begun the consultation process required by the Act, and we have been thinking through the budgetary impacts as well, because of some of the parallels with the Department's Native American Graves Protection and Repatriation (NAGPRA) Programs and in the similar type of work. You know, we estimate that that would probably be the same budget impact on the Department's budget, around \$3 million, to get implemented, that estimate came after the budget was released, but that is our best estimate right now based on the work. And I believe we will know more after Tribal consultation. And we are going to continue to refine that.

GALLUP INDIAN MEDICAL CENTER REPLACEMENT

Senator HEINRICH. Thank you. Director Tso, as you know from our visit last June, and your previous role as the Navajo area IHS Director, the Gallup Indian Medical Center is in utter disrepair, needs to be replaced. Everyone agrees on that. I know that IHS has been working with the Navajo Nation for the past several decades now, to settle on a site to replace GIMC. I understand there have recently been productive conversations with Navajo Nation President, Buu Nygren, about finalizing that site selection. Can you just update us on when you expect a final site to be selected?

Ms. TSO. Thank you for that question. Yes. I have already met with President Nygren on this particular issue and asked to make sure that we continue to have updates. We are scheduling another update with him, just to make sure, again, that they fully understand, we all fully understand how important it is to make that final selection. The IHS will still go with the Rehoboth site at this point, but looking at also what we can finalize regarding the Gamerco site, of course those two are the sites that we will continue to work with Navajo Nation on.

It is my hope that within the next 60 to 90 days, that we will have a final site selection determined for this, because we need to have that completed.

Senator HEINRICH. So you are looking at both sites, and you think that 90 days from now you will have settled on one?

Ms. TSO. IHS has already concluded that the Rehoboth site is the site. The conversation that we were having with then President Nez, and now President Nygren, is their preference in where that is at, and so I am hoping that we can tighten that up here pretty quickly. And that will help us take the next step of the planning efforts for Gallup.

Senator HEINRICH. And you need to settle on that site before any planning and design can start?

Ms. TSO. It is certainly going to be more helpful, because we know we might have some site—or some limited space in Rehoboth, and Gamerco might give us a little bit more options, if that is the way we go.

CASEWORK RESPONSE

Senator HEINRICH. Okay. One of the most important jobs I have is just helping constituents when they are having trouble with a Federal agency. And my casework team has experienced just really extended delays when it comes to casework with IHS. There have

been some cases that have taken nearly 15 months to resolve. What is the cause behind these kinds of delays? And what can we do to better resolve constituent cases? What can Congress do to make sure we are supporting you so that we can iterate on these constituent cases much more quickly?

Ms. TSO. Thank you, Senator. I cannot, unfortunately, speak to the 15 months, but I can speak to what we have done in the last 6 months. And just, as of this morning, I asked again if we have responded to all of the questions that are in front of us from any congressional or constituent questions. This is very important to me that IHS continue to do a better job in responding to any correspondence, or any questions that come for Indian Health.

And so in that, as part of building out efficiencies at the IHS, we can now quantify and qualify everywhere every document—all of our documents are at in the process.

Senator HEINRICH. Okay. Thank you.

WATER INFRASTRUCTURE/WARM SPRINGS

Senator MERKLEY. Thank you very much.

Director Tso, significant funds were allocated to improve water structure, water infrastructure at Tribal communities across the country, and certainly the Confederated Tribes of the Warm Springs in Oregon is one of those sites where the water system has to be completely replaced. And I wanted to—well, one, I am very appreciative that the funds have been allocated both through the EPA and IHS. But any updates on how that is proceeding forward.

Ms. TSO. Yes. Thank you. For all of the \$3.5 billion that Indian Health Service received, we have posted earlier in April on our IHS website, an interactive map that allows you to evaluate where every project is at in the Indian Health Service allocation of those \$3.5 billion that we have.

It is important again that we be accountable. It is important again that we be transparent. And that Tribal leaders, and even homeowners for that matter, can see where their project is in the pipeline. That is the same for the Warm Springs Water Infrastructure issue.

I was out there shortly after I was confirmed, and it was a very difficult situation to see. But we have now secured those resources, and I expect that, I believe as early as today that the next agreement will be signed and we will move to the next phase.

Senator MERKLEY. Great. I am glad to hear that, because the great fear is that if the gears don't turn fast enough, the construction crossing increase, and then it turns out that we don't have the money for it, enough to complete the vision, and other things slow it down. It is just like, please, any extra attention you can give to that Warm Springs project will be much, much appreciated.

COMMUNITY HEALTH AID PROGRAM

I also want to turn to the Community Health Aid Program, a program that we are looking at in your proposal to expand to the Lower 48 states. My colleague from Alaska, undoubtedly, has a sense of how that has been working in Alaska, but I do know that in Oregon in many states of the Lower 48, a huge shortage of health care workers.

So could you elaborate on how this proposed expansion would work? And how this money will really, like, make that happen?

Ms. TSO. Thank you, Chairman. So just coming off of a visit to Alaska, I was out there for the last seven days, and I will tell you that there is nothing more that can put the CHAP Program into perspective other than being on the ground. To totally appreciate and understand the absolute remote locations that you can only get to by air in many instances, to get to the services that people need, is just crucial. And that is where the Community Health Aide Program (CHAP) is just impressive.

And I was able to meet with many of the Tribal leaders, and actually see for myself, and visit with the actual CHAP coordinators, and CHAP professionals out there, to really see how important that is.

Within the last month, I have proceeded to move forward on the Portland area, which is of course, Washington, Oregon, Idaho, with them, and providing them the ability to proceed on them. They were already—as I visited in Oregon as well—saw what they were doing on the DHAT site, which is the dental Program site, and how important that is.

As I mentioned earlier, with regards to the challenges that we are having in mental health, that they are not, just like nurses and doctors, they are not out there, and we are going to have to really lean on the CHAP Program that was built out of Alaska to make sure that we are going to meet the needs of Indian Country.

There is no other option for us at this point. So as we continue to move forward, CHAP Program is a priority at the Indian Health Service, in getting that program stood up at the national level so we can continue to do what we do.

What I am doing right now, though, is working with the Alaska Tribal organizations up there, to help us stand up our program nationally, so we don't have to reinvent right now, that we don't delay anything as we move forward. I further anticipate that we will be moving out in, not just the Portland area, but also in the Billings area, because I believe that they are next ready to go with that. So we are proceeding, and wanting to spread this across Indian Country.

Senator MERKLEY. Great. Thank you.

Secretary Newland, many of our Tribes that were eligible for support for the Criminal Justice systems are not included, and we had \$7 million in fiscal year 2023 to identify and bring some Tribes in Indian Country into startup funding for participation; I have received outreach from the Cow Creek, the Confederate Tribes of the Grand Ronde, the Klamath Tribes, the Confederate Tribes of the Coos, Lower Umpqua and Siuslaw in Oregon, and sent you a letter asking that these Tribes be included in the Tribal consultation process.

Any update? And will you meet with these Tribes and identify where they stand on their effort to be included in the program?

Mr. NEWLAND. Thank you, Mr. Chairman. I would be happy to meet with them. I received those letters as well, and we generally keep an open door for Tribal leaders, and look forward to setting those meetings up.

Senator MERKLEY. Thank you. And I hope the results of those meetings will be that these Tribes that haven't been able to participate in the program, will be able to get their feet on the ground, and get started. Thank you.

Senator MURKOWSKI. Mr. Chairman, it is good to hear the Director speak so highly of the CHAP Program and the benefit that it can provide, not only within the state, but what we have developed and shared, I would encourage members of the subcommittee to take a look at that program. And perhaps if we do a trip up North we will definitely have an opportunity to look further, not only to the CHAPS Program, but the DHAT Program, where Alaska has really led as a model there.

CONTRACT SUPPORT COSTS

Director Tso, I want to go back again to contract support costs. And this is something that we discussed last year in the subcommittee with the Acting Director at the time, Director Fowler, and we were told then that IHS would maintain current methods for calculating contract support costs, there was no plan to change any of those. But we have seen some recent court cases, and some agency actions since that time. And I just want to know whether or not that statement still holds true, or whether IHS has changed any of the calculations on what is considered eligible?

As you know, the Fort Defiance case in the Cook Inlet Tribal Council scared a lot of folks out there, in terms of being able to rely. So can you tell me, are we still in a good place as was stated before the committee last year?

Ms. TSO. Yes. Thank you. So with respect to contract support costs, what we have done is, again, used the—it is really and truly, a negotiation between the Tribe and the Indian Health Service. And we have moved that whole program again, out of where it was at in IHS, and moved it on—and actually into Jillian's program here.

I want to have close direct oversight over that program. So two things, while we have not changed our calculations, I have directed our team to make sure that we get to the table with Tribes, and being able to use the maximum flexibility of how we can get to "yes" with Tribes. And so that is what I am seeing, and I am hoping that, as we move forward, we will continue to do that for our Tribes.

During the COVID pandemic, and as I was out in my previous role, I absolutely appreciate how important those monies are to make sure that they support Indian Country, and particularly Tribes that contract and compact. With the increase in costs across everything, whether it was nurses and doctor contracts, or supplies, there is a cost to doing business, and that is what that has to cover.

And so maximizing and bringing flexibility to how we interpret the rules and the regulations is what is critical right now, and particularly we are moving.

Senator MURKOWSKI. Well, I really appreciate you saying that, because that is what folks are relying on. It is that stability and that clarity. We had heard that there were some pending court cases regarding contract support costs, and third-party billing that

could have impact on CSC funding. Can you elaborate for the committee, what you are hearing, and what the potential impact might be? I don't want you to be too speculative, because we don't have a lot of time, and I want to move to a couple other issues here. But are you hearing the same thing?

Ms. TSO. Yes. We are hearing the same thing, and I have already set up a team internally to start looking at how we might address that, when and if that decision comes down.

MANDATORY FUNDING IHS

Senator MURKOWSKI. Good. Appreciate that. In my opening I mentioned my support of advance approps, where we are right now, though, again we are talking about a proposal to move the entire agency to mandatory funding, yet there is no legislative proposal to shift this mandatory appropriations in the budget proposal. So are you anticipating transmitting authorization language for the proposed shift? Have you identified how you intend to pay for this shift to the mandatory side?

Ms. CURTIS. Thank you, Senator Murkowski, for that, that important question. We are working as a Department with OMB on Tribal consultation that will take place in early June, on the mandatory proposal. And we are hoping that through that process, and the dialogue with Tribes, it will better inform a potential legislative package. And of course we want to keep the dialogue open with the authorizers in Congress, as well as our Appropriations partners, to inform what that package might also look like, so we are looking to take a collaborative approach on developing that language.

Senator MURKOWSKI. But at this point in time you are not prepared to transmit any authorizing language, it doesn't sound like?

Ms. CURTIS. Not at this time. No.

Senator MURKOWSKI. Okay. All right. I am three seconds from my time, so I will defer to the Chairman, here.

Senator MERKLEY. Both of us have a great interest in these programs. We have a lot of Tribes in both of our states, and a lot of work to be done on many fronts. We talked previously about the CHAPS Program, certainly nurses is another challenge.

NURSE PRECEPTORSHIP PROGRAM

And Director Tso, in your budget you propose \$1 million to create a new nurse preceptorship program, to provide training, development, on-the-job support, and the term in the description, is to improve replacement rates, but I kind of from the context I think maybe "replacement", but also "retention" of nurses. And do you have a high loss of nurses in their initial years, year two of work? And of course I know you have a big deficit of many openings so how would this Nurse Preceptorship Program change, either attracting nurses or retaining nurses?

Ms. TSO. Thank you, Chairman. So two things that that I would point to; number one, we were already at a deficit of nurses before the pandemic, and then we are now where we are with loss of additional staff. Not only that, as we talked about yesterday, we have the Baby Boomers that are now going to opt out of the workforce, and they are really trying to replenish that.

So we want to be able to use these resources that we have asked for, to make sure that we build a solid retention program, as well as training that is needed. In many instances, there is times when we have staff that come to us, with not a whole—maybe coming right out of school, and that preceptorship, that training is absolutely important to get them integrated into the health care facility, understanding how the system works, and those things, and so. And that is part of retention, because if we just throw people into a job, we are likely not going to keep them if we treat them that way.

So really looking at that front end: What can we do; how can we do this; to make sure that we meet the—our needs as well as applicants' needs.

Senator MERKLEY. You know, my wife is a nurse, and I recall how different it is to go from the school setting to actually being full-time on the job. And I think this is particularly challenging in Tribal settings where people may be more remote, have fewer folks nearby to assist. And so I look forward to learning more about that.

Assistant Secretary Newland, I want to turn to the issue of land acquisition for landless and land-limited Tribes. You have a proposal for \$12 million for a Tribal Land, Water Conservation Fund, and Indian Land Consolidation Fund. And assuming this would come from the general Land and Water Conservation Fund (LWCF), but you can expand on that.

And your budget states factors other than conservation need to be considered for Tribes to grow their land base. So can you expand on what it means for a tribe to be land limited? Who exactly would be eligible for this funding? And, for example, would terminated Tribes who are ultimately restored with less land than they began, be at the top of the list, and so forth? What is the broader vision for this?

Mr. NEWLAND. Thank you, Chairman. So with respect to the General Land Acquisition Authority, when Congress enacted the Indian Reorganization Act, nearly a century ago now, it authorized the Secretary of the Interior to directly acquire land for Tribes, and included an appropriation for that. And that appropriation has—authorization, excuse me, has remained the same ever since.

I think it is \$2 million? It is \$2 million in 1934. And so we have requested an increase in that, and the ability to make good on that commitment from the United States, in the Indian Reorganization Act, to assist Tribes in reestablishing a homeland, particularly for Tribes that don't have any land. Often the first Trust acquisition is the most difficult and the most expensive, and then assisting other Tribes that have very limited land base.

So our vision for that is to assist those Tribes that are federally recognized but don't yet have any land base for simple things, like government administration, public safety, basic housing for their Tribal members, and establish that initial land base.

Senator MERKLEY. So do you envision then setting out a set of priorities would help you sort through the applications to determine kind of who is at the top of the list?

Mr. NEWLAND. Thank you, Mr. Chairman. We are actually engaged in consultation with Tribes right now on the best way to implement that program, but we want to make sure that there are

some guidelines or standards in how we go about implementing that.

LOAN REPAYMENT PROGRAM

Senator MERKLEY. Thank you. And Director Tso, you propose to expand loan repayment programs to help retain personnel. And last year the IHS Acting Director Fowler testified that loan repayment was the most effective tool IHS has in recruiting. Do you have any stats now that kind of show how much impact that the loan repayment program has had, and really help us understand if, indeed, this is the most effective instrument?

Ms. TSO. Senator we will circle back to you with respect to that. But I will add one other part to that. We have also advocated that, or shared that while we do have this loan program, there is a tax to this loan program. And so therefore, potential applicants that come to Indian Health Service that could benefit from this are also taxed on these dollars that they have.

This is, unlike what Health Resources and Services Administration (HRSA) provides, the same kind of loan program, but their resources are not taxed, so we are looking for some equity there. Thank you.

Senator MERKLEY. Amen to that. And I have a bill to change that, so Thank you, for drawing attention and spotlighting that issue.

Senator MURKOWSKI. Thank you. I am going to turn to you, Assistant Secretary. I have been talking to the Director here most of the morning. As you well know we have a public safety issue in the State of Alaska, some have described it as a crisis. Certainly, former Attorney General Barr recognized a state of public emergency, with our public safety.

We have more than 100 Tribes that have no law enforcement presence whatsoever, and because of their remoteness oftentimes you can have a situation where it takes more than just hours, but days for law enforcement to be able to get to the Village to address sometimes very violent felonies. I know you are aware of these law enforcement challenges, but can you share with the subcommittee how much funding is being devoted to the PL280 States for law enforcement, where that funding is coming from?

Mr. NEWLAND. Thank you, Senator. I was actually in Anchorage a week before last at the Not Invisible Act Commission hearings. And I spent two days hearing from community members across Alaska, just about the most heart-wrenching stories that really flow out of this crisis, and it impressed upon all of us the urgency to act, and how dire this is in many communities.

And I was glad to be able to hear those stories directly. In our budget we are requesting; it is \$21 million for Tribal courts in Public Law 280 states. And, you know, the Tribal courts play an important role in public safety, not only on the backend, but on the frontend, when we were talking about some of the family law cases, the wellness courts were also working to fund three wellness courts this year, in Alaska.

I was a wellness court—I was a Tribal court judge before serving in this role, and we established a wellness court, and I have seen, firsthand, the difference that that can make in keeping folks from

coming back into Tribal court over and over, and really intervening before, you know, somebody's substance abuse or mental health issues grow into more serious crimes, and violent crimes. And so we are trying to fund that on the front end.

With respect to the number of dollars that we are requesting for police in Public Law 280 states, I am actually going to ask my Deputy Assistant Secretary, Jason Freihage to——

Senator MURKOWSKI. Well, maybe what we can do, is we can we can get that from you after the hearing. You mentioned being there in Alaska for some of the hearings and discussions on murdered and missing. I am glad that you were there. I am glad you heard it directly. I am glad that you were impacted by it.

But I am somewhat confused then, as we look at the President's budget for Missing and Murdered Indigenous Women (MMIW) activities, I am rarely seeing enacted levels here. And you have certainly seen it from the Alaska perspective, it is not just Alaska. The Chairman comes from the State of Washington that has also identified significant levels, of Murdered, Missing, and Indigenous Women, what is the rationale between—with just enacted levels when it comes to MMIW across the country?

Mr. NEWLAND. Thank you, Senator. So the Missing and Murdered Unit, which I believe is what you are referencing.

Senator MURKOWSKI. Mm-hmm.

Mr. NEWLAND. Is even with last year, we are still in the process of building out that unit, we are funded right now for, I believe, up to 63 positions, and we have been able to fill, now, more than half of those, and continue to build that out, and when we do we will have staffing.

But overall, across the BIA law enforcement funding, just on the policing side, we are asking for an increase in funding. And then outside of the budget, on the management side, we are doing more to coordinate with other agencies through the Missing and Murdered Unit. So I just want to make sure I am not a misleading folks that this isn't a priority, because it is for us, we want to make sure we build out the unit that we have established under the Secretary's leadership, staff it up.

That unit then coordinates amongst our BIA law enforcement, Tribal law enforcement, as well as state and local agencies, and other Federal agencies, like the FBI. And so the funding level is not a reflection that it is not a growing priority. We believe we have got the funding at \$16.5 million to staff up that unit. And it has already been productive. It has investigated, it just in the last 2 years, more than 700 cases, resolved, I believe, more than 200 missing persons cases, and solved eight murders.

And so we believe that that Missing and Murdered Unit is effective, the funding reflects that. And we are going to continue on the management side to build it up.

Senator MURKOWSKI. Well, we have got a hearing this afternoon before the CJS Subcommittee, so we will have the FBI, DEA, in front of us so this will be a follow-on question to them as well, in terms of what more we need to be doing to address these issues. I know that the Senator from Montana feels strongly about it as well. There are many of us. So thank you for that.

Senator MERKLEY. Thank you, and now we will turn to Senator Peters from Michigan.

Senator PETERS. Thank you, Mr. Chair. I was pleased that President Biden's budget request would provide funds for existing Indian land and water claim settlements, including via the Indian Water Rights Settlement Completion Fund.

The Biden-Harris administration has certainly maintained a solid commitment to reaching settlements to resolve Tribal land and water claims, and to ensure the Tribes, as well as individual Indians have rightful ownership of land, and rights to water to meet domestic, economic, cultural, and ecological needs.

So my question is for you, Secretary Newland. As you know, I have introduced a bill, the Keweenaw Bay Indian Community Land Claim Settlement Act, and this bipartisan, bicameral, and long overdue legislation will address the long-standing land claims of the Keweenaw Bay Indian Community, while also clearing the title of current land holders in the community.

So Assistant Secretary Newland, what land claim settlements does your fiscal year 2024 budget propose to fund, and beyond what does—this year budget funds, does the Department have a backlog of outstanding land claims settlements owed to Tribes?

Mr. NEWLAND. Thank you, Senator. Right now, our budget is proposing to fund one settlement administrative costs under the White Earth Land Claims Settlement. I am not aware of a backlog of land claims that are due, Department funding, I would be happy to follow up, but that is my understanding of our budget; so just the White Earth Land Claim Settlement is included in our budget requests.

Senator PETERS. Well, good. It sounds like the Bureau may be very well positioned to carry out my bill once it is passed, and I certainly look forward to working with you in the coming weeks to enact this legislation, and to do what is right there.

Another question for you, sir; is I am proud that Michigan is the home to over 50,000 Native people and 12 federally recognized Tribal Nations. In our state and across the country, Native communities and Tribes have preserved vibrant and diverse culture, safeguarding land, language, spirit, knowledge, and tradition across many generations. Unfortunately, Tribal communities have not been immune to the opioid epidemic impacting individuals, families, and communities, nationwide. And in many cases Tribal communities have been hit, particularly, hard by this crisis.

The Tribes of Michigan are working hard to address the opioid and substance abuse crisis; however, I have heard from Tribal leaders in my home State of Michigan that they need more resources, and specifically more flexibility in funding for treatment facilities.

So my question for you is: How specifically does your fiscal year 2024 budget help communities in Indian Country battle of the opioid crisis?

Mr. NEWLAND. Thank you, Senator. I would imagine it is fair to say there are a few people in this room who haven't been touched, personally, by the opioid epidemic and addiction. And I am very well aware of how serious this is in all Tribal communities, particularly my own back in Michigan. Our budget request includes \$15 million for drug enforcement activities within the BIA's law en-

forcement system. It also includes an additional a little more than \$3 million for the establishment of Tribal wellness courts which, again, I just mentioned I have seen firsthand how valuable those are in coordinating wraparound services at the Tribal level.

And it also includes a significant increase in our budget request for the Tiwahe Initiative which started out as a pilot project across Indian Country. And under that initiative Tribes are able to use culturally based, rather than simply evidence-based models to address things like family crises, drug addiction, mental health issues. And design those programs the way that are the most effective to solve their unique issues on the ground.

And this budget request would allow us to expand that initiative to ten new sites across Indian Country. And so we believe that, on the whole, when you combine the law enforcement funding, the social services funding, with the Tiwahe Initiative and the Tribal Courts Funding, that what we are aiming to do, is try to address things like this epidemic, and substance abuse, generally, at all levels.

Senator PETERS. Assistant Secretary Newland, thank you for your continued leadership on this issue, and so many.

Thank you, Mr. Chair.

Senator MERKLEY. I anticipate that Senator Tester will be joining us in just a moment. But I will seize the opportunity to fill in the space.

The Secretary of Interior has really emphasized an initiative to develop full history of our boarding schools, I have been very struck this past year about work that is being done by the Congressional Executive Commission on China, on the very abusive practices that are being used at boarding schools in Tibet, where the Chinese Government is trying to separate children from their natural cultural history, and take them away from their families.

We have our own very problematic history regarding boarding schools. How is that work on this set of histories, or histories of various schools, and various efforts, coming along?

Mr. NEWLAND. Thank you, Mr. Chairman. This is some of the most emotionally challenging, but yet rewarding work that I have engaged on in my life, under the Secretary's leadership.

A year ago, I think a year ago tomorrow actually, we published the first report, comprehensive Federal Report on the Federal Government's operation of Indian boarding schools, and outlined the history of the policies that underlie that, and identified the names and locations of more than 400 schools.

We have also, Secretary Haaland and I have gone to a number of Tribal communities over the last year, and heard from dozens and dozens of boarding school survivors, often in large venues where hundreds of people are present, and hearing their personal stories, of attending these schools, or their families attending these schools, and continued our research.

We anticipate publishing a second volume of our Boarding School Initiative Report, that will outline, I think with more specificity, how many burial sites exist across these boarding school systems, where they are located, generally, trying to identify the total amount of funding and support that the Federal Government provided to the system, over its century-and-a-half of use.

And trying to fill in the picture of what the boarding school system was, and what its impact was; and also making sure that we are relaying the personal stories of the people who attended, as well as their families, in trying to better articulate the Legacy impacts that extend beyond generations across Indian Country. And so that work is continuing and, you know, we are trying to make sure that we are painting the full picture.

Senator MERKLEY. I think it is an incredibly important investigation and report. We need to shine a light on the past in order to understand issues that may help us direct into the future. And thank you, for your work on that. And thank you, to the Secretary's initiative.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Assistant Secretary, we have had a conversation in other committees as well, about the budget proposal to shift the Office of Subsistence Management, OSM, from Fish and Wildlife to BIA. I have asked for a response in writing.

But I am wondering whether or not the Department in Indian Affairs can achieve the goals that they are seeking, as outlined in the budget proposal, without moving the office from Fish and Wildlife to Indian Affairs; whether or not the goals that are sought here, and certainly the goals that I am hearing from Tribes in Alaskan Native leaders, whether or not we can do all this within the Federal Subsistence Management Program.

So can you just share quickly with the committee here, why you feel it has to be moved to the Office of the Secretary? Why not the Solicitor's Office? Why not try to make it work within the existing structure?

Mr. NEWLAND. Thank you, Senator. You know, just initially I think, as you are aware, no doubt, but we have heard consistently from Tribes across Alaska about — whether they are on the North Slope or any—Southeast, and every everywhere in between, about the desire to move the Office of Subsistence Management out of the Fish and Wildlife Service. And that, of course, begged the question about: What is the appropriate home?

And in those consultations, and in conversations that we have had with Tribal leaders and folks from across Alaska, you know, the driving concern behind that was a desire to better align the office of subsistence management with our Federal Trust responsibility to protect the way of life for Native people.

And we have considered a number of options. Within our office the Assistant Secretary for Indian Affairs, we operate a number of programs directly, which is unique within the Department, because not all of our programs are housed within the Bureau of Indian Affairs, or the Bureau of Indian Education. So we have the Office of Self-Governance, for example, that reports directly to the Assistant Secretary, the Office of Indian Economic Development, and many other programs.

And so we felt that, operationally, it made sense to house, if we were going to move the Office of Subsistence Management; operationally, it made sense to house it within the Office of the Assistant Secretary for Indian Affairs, because of our experience running programs directly.

That is not necessarily true of many other places at the Department of the Interior, and so we, of course, are well experienced at making sure that our programs are in sync with the Federal Government's Trust responsibility.

Senator MURKOWSKI. How do you respond, though, to just the reality that that the Alaska National Interest Lands Conservation Act (ANILCA) creates a rural priority for subsistence based on where one lives. And so I am sure you have heard concerns on the other side that this is not just about Alaska Native peoples, but it is rural subsistence users.

So a follow-on question is, whether or not the Department has consulted with the ten RACs, the Regional Advisory Councils, on the proposed move? And on top of Tribal consultations, whether or not you have engaged other subsistence users, both Native and non-Native, regarding the proposal? What is the extent of outreach at this point?

Mr. NEWLAND. Thank you, Senator. You know, our Tribal consultation obligation and mandate flows out of the unique trust obligation and I know you understand that.

Senator MURKOWSKI. Right.

Mr. NEWLAND. So it is different in nature the way we engage the public in other ways. I have participated in a number of RAC meetings since the announcement.

Senator MURKOWSKI. Yes.

Mr. NEWLAND. And expect that I will continue to do so, and we want to make sure that we are not hiding the ball from folks. And that we are hearing directly from folks. And I have heard some of those concerns. And if I can just add on, Senator, you know, I am aware that there are folks saying, why Indian Affairs, because Anoka is for all rural users.

There isn't a neat or perfect home for a program like the Office of Subsistence Management. We are aware that Anoka also speaks directly to the rights of Alaska Natives to maintain their subsistence way of life, and with our general trust obligation. And we feel that with all things considered, particularly with what we have heard at the Department over the last decade, the call to move the Office of Subsistence Management, that this is the best structure to align all of the goals under Anoka.

And we also feel that we can meet those legal commitments to non-Native rural users. We operate through the Bureau of Indian Affairs a number of programs that directly benefit non-Natives, across Indian Country, I think most notably, our irrigation program, most of our irrigation facilities, or many of our irrigation facilities serve mostly non-Native users. And so, you know, it is not a strange obligation for us. In Anoka, the statute says what it says, and we believe that we can fulfill those obligations.

Senator MURKOWSKI. Well, I appreciate that. Again, we certainly, I am certainly hearing from the Native leaders about the need to prioritize Tribal participation within the conservation of the Cooperative Management. We are hearing the same things, but we are also hearing the concerns from others. So it is good to hear you express this.

I would hope that you would agree that this proposed move is a reorganization that is defined by the Committee's reprogramming

guidelines, and so therefore would be subject to Appropriations' Committee approval. Concur?

Mr. NEWLAND. Yes.

Senator MURKOWSKI. Good. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you. Senator Tester.

Senator TESTER. Mr. Chairman, and Ranking Member, I want to thank you for your patience. I appreciate the ability to ask a few questions, because this is important stuff.

Assistant Secretary Newland, I want to thank you for coming out to Montana to meet with the Tribes and see the conditions that we are having with law enforcement there. And so I appreciate it. It is clear that we need more resources going on the ground, we need more police officers, we need more people, so can you tell me what the BIA has done since you are meeting with a Northern Cheyenne to improve officer recruitment; not only for that reservation, but for all of them?

Mr. NEWLAND. Thank you, Senator. And I have enjoyed my trips out to Montana.

Senator TESTER. Yeah.

Mr. NEWLAND. In fact, I spoke with some of the Fort Peck Tribal leaders here, and expressed my desire to get up there, because I haven't been there. But related to law enforcement, we have made a selection for Chief of Police at Northern Cheyenne, and that person is expected to start next month.

Senator TESTER. Right.

Mr. NEWLAND. And we continue to work through some of the difficult issues directly with Northern Cheyenne. I know one of the related issues of staffing at the Rocky Mountain Regional Detention Facility.

Senator TESTER. Yeah.

Mr. NEWLAND. We have got offers out to ten people to come on board with us there, which would increase our staffing there by 50 percent.

Senator TESTER. Okay.

Mr. NEWLAND. And we have also set a hiring goal across BIA law enforcement for this fiscal year of 138 positions.

Senator TESTER. And the question becomes, how do you reach that goal?

Mr. NEWLAND. Mm-hmm.

Senator TESTER. And this is really important. You know, Northern Cheyenne may be the tip of the spear, but there are problems in every one. In fact, we got folks from Fort Peck here today, we appreciate them coming in. They will tell you it is the same stories you heard in Northern Cheyenne. Okay. So we just need more people.

And so anything you can do, and if you need our help on how you get aggressive with hiring, don't be afraid to ask because I think this is really important.

638 programs are pretty successful. Those are the ones, and correct if I am wrong, that are run by the tribe, correct?

Mr. NEWLAND. Yes.

Senator TESTER. Yes. The Federal Government, how do you—if a tribe decides to do their program on their own, how do they get their money? Is it based on per capita? Or how is it based?

Mr. NEWLAND. It is based on the level of services and funding that we would expend for providing those services.

Senator TESTER. Okay. So that is what I wanted to hear. So let me flesh that out a little bit. So let us say you spend \$100,000 with a BIA providing law enforcement, if the Tribe takes over do they automatically get \$100,000? Or do they get something less than that?

Mr. NEWLAND. The way the law is written, as I understand it, is we are supposed to negotiate with them for that amount, plus contract support costs.

Senator TESTER. Okay. So let us talk about on the ground. How does that translate—because you know where I am going with this?

Mr. NEWLAND. Mm-hmm.

Senator TESTER. I hear from Tribes that say: Hey, the BIA is spending a million bucks, and they think: We can run this same program for half that money. Are they lying to me, or are they telling me the truth?

Mr. NEWLAND. Senator it is a—somewhere—I am not saying anybody is lying to you.

Senator TESTER. That is good.

Mr. NEWLAND. But the reality of the way this works is that, with 638 contracts, it is our existing obligations across Indian Country, in determining secretarial amounts for Tribes that came in early affects our calculation.

Senator TESTER. So I would just say this. And I think this is on you, you are a good man in this job and I appreciate the work you do.

Mr. NEWLAND. Thank you.

Senator TESTER. But if you have got a tribe that is complaining about not have enough resources, at a bare minimum you should look and see what the BIA is spending before they took that contract over, add some inflation to it, because that has impacts, and get them the money.

Mr. NEWLAND. Mm-hmm.

Senator TESTER. Because you can't run a police department on air. It takes dollars, and it takes people, and people cost money. Thank you, for the work you do.

Mr. NEWLAND. Thank you.

Senator TESTER. Continue to stay on this. It is a huge issue.

VACANCIES/RECRUITMENT AND RETENTION

Director Tso, I have heard from Blackfeet Tribe in Montana their current vacancy rate at their local IHS facility, listen to this, 50 percent. They have got as many people gone as they have got working. And it could take—it could take a long time. I am not going to give you a time; it would take a long time to get folks on board.

Is there anything that you are doing to expedite the hiring process? You know, Blackfeet is a challenge, but everywhere in the in the country, once again, Fort Peck is back there, they can tell you the same story there. What are we doing to expedite the hiring?

Ms. TSO. Thank you, Senator; and good to see you again.

Senator TESTER. Good to see you.

Ms. TSO. So a couple things that we are doing at the Indian Health Service; one I referenced earlier, the work plan that we

have posted on the IHS website, and one of those areas that we are focusing in is on workforce, and trying to make sure that we are maximizing all of our resources to get the people that we need at the table.

However, as you said, overall IHS has a 28 percent vacancy rate throughout every category of staff. 40 percent for mental health providers is also what we are looking at within that.

Senator TESTER. It is in a crisis. What I need to know from you, though, is we prioritize it, but what the hell does that mean? What are we doing to get people on board? And once again, not unlike law enforcement, if we need to be a help on this committee, tell us what we need to do so you can bring more people on to Indian Health?

Ms. TSO. So we continue to strategize in terms of how we improve this, and that really is streamlining the onboarding process and the front line. At this point we are looking at every resource that we can, using social media, using the technology that we have to get information out there regarding the jobs that are open.

We are also looking at housing subsidies to make sure, particularly in the Billings area, we have the housing subsidies that we need to try to attract people and be more comparable with the rates out there. We are also utilizing, for example, the \$3.5 billion Infrastructure Bill monies. We are looking for 500 engineers.

Senator TESTER. Okay.

Ms. TSO. So what we have done is centralize that hiring so we don't have 12 different regions trying to hire.

Senator TESTER. So if the holdup is you, we can help. If the holdup is some other agency, let us know. We have been down this road before. I don't need to give you the statistics on lifespan of Native Americans. It has more to do than just health care, but health care is pretty fundamental to that. Okay. So this is important.

The last thing, and then I have just got to go—I mean, I have got to let you guys go.

Assistant Secretary Newland, there is a Fort Belknap water settlement, the last one in Montana, that we dropped in—hopefully it is dropped in by today, that we dropped in this week if it isn't. I need you to really pay some attention to that so we can get this thing done. Like I said, it is the last one in Montana, and we worked on a Bipartisan Infrastructure Bill to get some resources to get these projects done, we can get it done, but it is going to require you to be a tough negotiator, on your side, but a fair negotiator. Okay? Thank you.

Senator MERKLEY. Thank you, Senator Tester.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. Just one last; and I will give you the readout on the things that I would like you to take home for homework.

UNOBLIGATED BALANCES

But I mentioned the unobligated balance. And Director, you and I have had a chance to talk about this. I thank you, for working to have the service meet the statutory requirement to provide the committee with these quarterly updates. I appreciate that. But our situation here is, at the end of 2022, the unobligated balance for

IHS was \$6 billion, \$2 billion supplemental funds, with \$4 billion in balances from discretionary.

The recent report from March of this year shows \$9.1 billion in unobligated balance, and this amount seems to include both discretionary and supplemental funds from the last few years.

So what I am what I am hoping to get from you, Director Tso, is to confirm the total IHS unobligated balances. What amount is from previous supplementals? What amount is from discretionary? And I will take that for the record here, because I think we need to look at these numbers? But one thing that I would ask you to provide is: Why IHS is reporting such large balances?

This again, is something that you are working on, I know, I appreciate that, but we have got to look at it from our oversight perspective here, and try to understand what is going on. How this money is distributed and tracked, and really why the financial system is showing such large balances?

So if you can get the specifics to the committee, I would appreciate that. I have a number of questions that I am going to be submitting as questions for the record. One relates to purchased and referred care. I was able to meet with Valerie Davidson, the Head of ANTHC, I am sure when you were up in the state she raised the issue about when payments are—when patients are receiving care authorized under the PRC Program, you have got these authorizations for travel, this is a real problem. I would like you to address that.

I also have several questions related to facilities constructions for annual sanitation funding, certified operators, housing, what types of housing IHS is able to provide for, whether it is patient housing? Do you need greater authorization, more money? I am going to have one on electronic health records, ARPA funding for BIE schools and whether or not Alaska is eligible for anything there.

And Assistant Secretary, the Director doesn't get all the homework. You mentioned in your opening comments the Tiwahe Initiative. And we are in year eight of a five-year pilot, I would like some additional information on the Tiwahe, and where we are. Also on Small and Needy Tribes, it is a—that is an account that I pay very close attention to. So you will be seeing those as QFRs, as I am sure you will be seeing questions from other members of the committee. But thank you, for the time that you have given us.

And Mr. Chairman, thank you for the latitude in asking so many questions today, but there is a lot out there. Thank you.

ADDITIONAL COMMITTEE QUESTIONS

Senator MERKLEY. There are indeed. And speaking of questions for the record; the hearing record will be open until the close of business on May 24th, this year. Thank you.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

Question. Assistant Secretary Newland, my California tribal constituents remain concerned about the impact of a proposed off-reservation casino in Medford, Oregon. As you know, I share these concerns as do the other Senators and Members representing the area.

In testimony before the House Natural Resources Committee on March 24th, when asked about the Department's willingness to meet with California Tribal Leaders on the Coquille project, you said that you "generally have an open door

when it comes to matters of importance,” and that you are “happy to meet with them.” I understand that despite multiple attempts to set up this meeting in the last month and a half, no date has been set for this discussion.

Will you meet with California tribal representatives about the Coquille project and if so, when?

Answer. In April of 2023, the Indian Affairs Office of Indian Gaming reached out to the following California Tribes/Tribal organizations that have expressed interest in meeting with the Assistant Secretary regarding the proposed Medford casino: Tolowa Dee-ni Nation, Elk Valley, Karuk, Northern California Chairperson's Association, and the State of California (through Nathan Voegeli). The BIA also asked the State to pass the invite to any other interested Tribes in response to their letter requesting consultation on behalf of California Tribes. The two Tribes that responded were the Karuk Tribe and the Tolowa Dee-ni' Nation. The Assistant Secretary for Indian Affairs met with these Tribes on June 30, 2023. The AS-IA Office has not received any subsequent requests from other California Tribes to meet on this matter.

Question. The Coquille Tribe's Medford application relies upon the assertion that the Coquille Restoration Act's discretionary fee to trust provisions are not subject to the Indian Reorganization Act, despite a plain reading of the act and correspondence from the Act's sponsors that doing so was not their legislative intent.

Has the Department previously interpreted a Tribal restoration act's discretionary fee to trust provisions to override the Indian Reorganization Act? If so, please provide examples.

Answer. We have reviewed the Coquille Tribe's application and nowhere does the Tribe make the assertion that its application is not subject to the Indian Reorganization Act (IRA). In fact, the application acknowledges that the Coquille Restoration Act expressly makes all provisions of the IRA applicable to the Tribe and its members. Additionally, the Restoration Act provides specific authority in Sections 3(e) and 5(a) for the Secretary to accept land into trust for the Tribe pursuant to the provisions of the IRA.

We are not aware of any instances where the Department has interpreted the Tribal Restoration Act's discretionary fee to trust provisions to override the IRA. We are, however, aware of instances where Congress has provided separate authority for the Department to acquire land into trust for a Tribe. We consider those instances to be mandatory rather than discretionary acquisitions.

QUESTION SUBMITTED BY SENATOR JON TESTER

Question. Over the past several years, this Committee has previously directed BIE to develop a methodology regarding operating and facility needs of Tribal Colleges and Universities. We have yet to see any report on methodology from the Bureau on the operating and facility needs of tribal colleges. When will we see that report?

Answer. The BIE and Indian Affairs conducted Tribal Consultations with Tribal leaders and other stakeholders in May of 2021 to request input on developing a methodology for determining Tribal Colleges and Universities (TCUs) operating and maintenance needs. As a result of the Tribal Consultations, Tribal Colleges Facilities Improvement & Repair annual appropriations funding have been equally divided and distributed among the TCUs, beginning with the FY 2021 Budget.

QUESTIONS SUBMITTED BY SENATOR MARTIN HEINRICH

Question. One of the primary issues BIE schools face is school construction and replacement. The recent shift of the Division of Facilities Management and Construction from BIA to BIE has hindered progress for schools currently in line for replacement. How can Congress support BIE in expeditiously addressing school replacements?

Answer. The Division of Facilities Management and Construction (DFMC) has not shifted from BIA to BIE. DFMC remains within the Office of Facilities, Property and Safety Management, which is an office within the Office of the Deputy Assistant Secretary for Management.

New school replacement projects continue to be managed by DFMC. Facilities improvement and repair projects under \$5.0 million in cost will transition from the BIA to the BIE. The cost of construction has grown significantly, and school projects are getting more complex as Indian Affairs works to increase the integration of technology and cultural aspects into BIE schools. For example, the average cost of re-

placing a school is now over \$100 million. The growing cost is the most significant factor slowing down implementation, as it is necessary to wait for multiple years of appropriations to have enough funding to move forward with construction. To address the cost challenge and other factors, the FY 2024 budget proposes to increase school replacement construction by \$136.0 million and requests an additional \$750,000 for DFMC to expand construction staff for BIE school projects, as well as Public Safety and Justice Construction.

Question. The National Advisory Council on Indian Education was created by Congress to advise the Department of Education and Department of the Interior on issues facing the Indian Education system. One of their recent recommendations has been to fully fund the Indian Student Equalization Program, known as ISEP. Why doesn't BIE's budget request include full funding for ISEP?

Answer. The FY 2024 President's Budget requests \$508.7 million for ISEP formula funds, a \$27.0 million increase over the FY 23 enacted budget, and a \$67.9 million increase over the FY 22 enacted level. This significant increase reflects the importance of ISEP formula funds and moves BIE closer to full funding.

Question. Can you share information about how increased public safety funding in the budget translates to more officers on the ground, better corrections programs, and better court services? How is Interior expanding its work to fight the Missing and Murdered Indigenous Persons Crisis?

Answer. Given the need in Indian Country, BIA is prioritizing the use of public safety and justice funding to provide more 'boots on the ground' to police communities, take better care of inmates in custody, and appropriately process cases through court services. The 2024 request includes a program increase of \$33.5 million to enable additional Tribal and direct service 'boots on the ground' law enforcement positions performing crucial public safety services on a 24/7 basis. The requested increase would fund additional Uniform Police, Criminal Investigator, and Dispatch personnel, which represent the backbone of law enforcement operations in Indian Country. Since roughly two-thirds of the BIA law enforcement programs are operated by Tribes, the request estimates an additional 74 Federal FTE and 148 Tribal positions can be funded. This will help alleviate existing challenges and safety risks associated with existing staff limitations. These investments are a critical means to addressing the Missing and Murdered Indigenous Persons crisis, opioids and related drug challenges, and to reduce recidivism. More law enforcement officials in communities can improve response times so that fewer people go missing, and better evidence can be collected sooner.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

CONTRACT SUPPORT COSTS/105 (L) TRIBAL LEASE PAYMENTS

Question. Do contract support costs and 105 (l) lease payments have statutory, regulatory, and court citations which define and quantify exactly what these costs are? If yes, could you please provide the Committee with those legally defined and referenced definitions in writing within the next week?

Answer. Contract Support Costs and 105(l) language regarding what types of costs can be included for both authorities have statutory and regulatory citations. Provided below is general background and citations of relevant documents on these costs.

For 105(l) Tribal Leases, the statutory citation is codified as 25 U.S.C. § 5324(l), and the regulatory citation is 25 CFR 900, Subpart H (Lease of Tribally-Owned Buildings by the Secretary), §§ 900.69–900.74. Regarding court decisions, *Maniilaq Ass'n v. Burwell*, 170 F. Supp. 3d 243, determined that lease compensation is not capped at the level the Secretary would have otherwise provided (also known as the "106(a)" or "Secretarial Amount"); and *Maniilaq Ass'n v. Burwell*, 170 F. Supp. 3d 243 (D.D.C. 2016) held that lease compensation was not capped at level agency historically paid to secure space. *Jamestown S'Klallam Tribe v. Azar*, 486 F. Supp. 3d 83, allowed a Federal agency to reduce 105(l) compensation on a pro rata amount based on comparing the total square footage of the facility with the square footage necessary to provide services to Indian beneficiaries.

Indian Affairs (IA) reviews each of the submitted Tribal 105(l) proposals based on the above noted statutory, regulatory, and judicial direction. For example, 25 U.S.C. § 5324(l), notes that "compensation may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable." In addition, 25 CFR 900, Subpart H, §§ 900.69–

900.74 provides detailed direction on what operation and maintenance and monitoring and preventive maintenance can be included. IA considers all these factors to reasonably assess each proposal.

For Contract Support Costs, the statutory citations that are relevant are 25 USC Ch. 46: sections 5325, 5326 and 5327; as well as some provisions from Title IV and V applicable to Self Governance. The primary regulatory citation is 25 CFR Part 900 Subpart Section C. Relevant court citations regarding the types of costs for contract support costs are the following:

- Salazar v. Ramah Navajo Chapter*, 567 U.S. 182, held the Government must pay the full amount of each Tribe's contract support costs when Congress appropriates sufficient funds to pay in full any individual contractor's costs, but not enough funds to cover the aggregate amount.
- Cook Inlet Tribal Council, Inc. v. Dotomain*, 10 F.4th 893, determined contract support costs cover expenses not contemplated by the Secretarial amount.
- Fort Defiance Indian Hosp. Bd., Inc. v. Becerra*, 604 F. Supp. 3d 1187, discusses where a Tribe incurs higher costs than a government agency "normally" would have to administer a service, those costs are not considered normal, and thus may be reimbursed as contract support costs, even if those costs represent categories already included in the secretarial amount, provided that the specific, individuated expense is not already included.

BIA commonly refers to the following three categories of contract support costs: (1) indirect costs, which are the costs incurred for a common or joint purpose benefiting more than one contract objective, or which are not readily assignable to the contract objectives specifically benefitted without effort disproportionate to the results achieved; (2) direct Contract Support Costs, which are the costs of the activities Tribes incur but are not provided in program funding or indirect funding, such as the cost of program-specific training; and (3) startup costs, which are the one-time costs incurred during the initial year an agreement is in effect. Individual Tribes work with extensively with the BIA to determine which direct costs and startup costs are allowable and with the Interior Business Center to determine which indirect costs are allowable.

Question. A general provision has been included directing both the IHS and the Department of the Interior to begin a process to establish guidelines regarding the parameters for which a lease agreement should be structured and paid for. Please provide a status update on what is being done at your respective agencies to accomplish this legal requirement? Do you anticipate any regulatory changes stemming from this legal requirement? And, what do you envision taking shape at this point?

Answer. Consistent with the general provision, Indian Affairs and the Indian Health Service (IHS) held a joint consultation August 2021 to get input from Tribes on aligning the programs. Since then, we have met regularly with IHS to align procedures and processes regarding the 105(l) program. These efforts have helped to ensure agency practices are as similar as possible given the nature of the different types of facilities the agencies operate. In addition to regulatory and statutory guidance (as described in Question 1 above), Indian Affairs also developed a 105(l) Tribal lease technical assistance guidebook to help Tribes as they work through the 105(l) process. At this point, we do not anticipate any regulatory changes stemming from these efforts. We also envision ongoing collaboration with IHS and with Tribes on implementation of the 105(l) program.

Question. Over time, the Subcommittee has noticed a difference in how OMB and CBO interpret and score CSC and 105 (L) payments. Do your agencies know or understand why the costs vary among the two scoring agencies? For example, the FY24 President's Budget estimate and CBO re-estimate are vastly different, do you know why?

Answer. The differences between OMB and CBO estimates for Tribal 105(l) leases and CSC requirements appear to stem from differences in methodology. The estimates for 105(l) Tribal Leases included in the President's Budget are based on the projected incoming lease load based on known Tribal requests, including for the budget year. We understand the CBO estimates may be based on historical actual obligations incurred, which have been lower than DOI's projected future years due to staff processing limitations and changes in Tribes' actual vs. Planned utilization of the 105(l) lease program.

For CSC, the proposed amount in the FY 2024 budget is estimated to fully fund CSC requirements associated with the President's Budget Request. The proposed CSC amount in the FY 2024 Budget is based on historical CSC amounts and projected contracting and compacting amounts for the scope of work proposed in the FY 2024 President's Budget. Increased estimates in FY 2024 provide Contract Sup-

port Costs to cover requested program increases in areas including Tribal climate, clean energy, public safety and justice, and strengthening Tribal communities. We understand the CBO estimates may assume lower program funding levels than those requested and may use less specific data on projected contract and compact agreements in FY 2024.

TIWAHE INITIATIVE

Question. It is the Subcommittee's understanding that Tiwahe funding goes to ONLY pilot sites for the social services funding and then the Tiwahe funding for tribal courts goes to all tribes and tribal organizations. Can you confirm the number of pilot sites as well as exactly what pot of Tiwahe funding these sites receive? And then can you also confirm how much and who receives the Tiwahe tribal court funding?

Answer. Tiwahe Social Service and Indian Child Welfare funding goes, in part, to all eligible Tribes or Tribal Organizations that were listed in the 2014 Budget Justifications. Each year, a total of \$5.0 million of Indian Child Welfare Act (ICWA) Tiwahe funding is allocated among 385 Tribes and Tribal Organizations and a total of \$3.5 million of Social Service Tiwahe funding is allocated among 334 Tribes and Tribal Organizations for the across-the-board increases. In addition, annually, \$300,000 Tiwahe Social Services funding supports domestic violence and youth shelters and \$4.2 million supporting child protection and child welfare workers for 33 Tribes and Tribal Organizations which includes both demonstration sites and non-demonstration sites. Each year, over 42 Tribes receive Recidivism Reduction Initiative (RRI) funding and over 50 Tribal courts receive Tiwahe Tribal Court (TTC) and Tribal Justice Support (TJS) funding. TJS Tiwahe funding was new in FY 2023 and funds Healing to Wellness courts.

In addition to the wider funding, Tiwahe funding has supported the six demonstration sites since 2017 in the areas of: Social Service, ICWA, Job Placement and Training (JPT), Housing Program (HP), RRI, and TTC. The six demonstration sites receive between \$2.5 and \$3.5 million total per year in Tiwahe funding. Confederated Salish and Kootenai Tribes (CSKT) and Paiute Indian Tribe of Utah (PITU) were invited to become Tiwahe demonstration sites in March 2023, and two additional Tribes or Tribal Organizations will be invited to the demonstration in January 2024.

CSKT and PITU received one-time planning funding of \$500,000 for the first year and \$200,000 in one-time funding from TTC (Tribes can request funding every year). After development of a Tiwahe Plan, CSKT and PITU will receive \$997,853 in reoccurring Social Services base funding, but, given current appropriations levels, no other Tiwahe programs will be supported at the four new demonstration sites. TTC is providing one-time funding to CSKT and PITU to assist with court costs, consistent with current appropriation levels. Therefore, the six original demonstration sites receive Tiwahe Initiative funding for more programs than is provided to the four new Tiwahe demonstration sites. In addition to the selection of the four new Tiwahe demonstration sites, in FY 2023, BIA made \$100,000 one-time funding awards to 10 Tribes or Tribal Organizations to either assist in developing a Tiwahe Plan or to implement Tribally-led, cultural programs that improve community well-being. BIA made another round of ten \$100,000 awards for the same purpose to other Tribes or Tribal Organizations in January 2024.

Regarding TTC funding, the funding is allocated to Tiwahe demonstration sites and to other eligible Tribal Court programs based on need. Need is determined from tribal requests received for funding in this area and is often supported by BIA tribal court assessment reports. In FY 2023, approximately \$3.3 million was distributed to demonstration sites and approximately \$4.3 million was distributed to 39 other eligible Tribal Court programs based on need.

Regarding the specifics of the TTC funding, in FY 2023, of the \$7.6 million appropriated for Tiwahe TTC purposes, \$3.3 million went to Tiwahe demonstration sites, including CSKT and PITU. The remaining \$4.3 million was distributed among 39 Tribal Justice systems seeking ICWA Attorneys (representation of the Tribe in State Court) Tribal prosecutors/presenters for child neglect cases, juvenile prosecutors, public defenders, Tribal judges, guardians ad litem, healing to wellness coordinators, court navigators, among other things. BIA's approach to this funding allows for success and provides measurable impact to the court programs funded. If there was a requirement to distribute Tiwahe TTC and Tribal Justice Support (TJS)-Healing to Wellness Courts funding at current appropriated levels to all 574 federally recognized Tribes, the amount per Tribe would be de minimis. The TJS Healing to Wellness Tiwahe program first received \$3 million in funding in FY 2023. Healing to Wellness courts serve as effective alternatives to incarceration and provide a cul-

turally appropriate forum to assist clients in addressing underlying behavioral health and substance abuse issues. Approximately half of this funding is distributed to demonstration sites and the rest is allocated to training, which is made available to all Tribes, and for funding other Tribal Healing to Wellness proposals.

The overall Tiwahe related funding increase in the FY 2024 request is \$33.5 million which includes increases in funding to the Human Services Tiwahe subactivities of Social Services \$17.2 million, ICWA \$7.5 million, and HP \$2.0 million, as well as Tribal Justice support \$1.9 million, and Economic Development \$5.0 million. These increases will allow IA to further fund the four new Tribes for their Social Services, ICWA, and HP needs, along with bringing the 10 new sites into the demonstration program. The expansion will incorporate a stronger focus on Economic Development and Tribal Justice activities in Tribal community planning.

Question. Last year, BIA received an additional \$1M to expand the Initiative. How many sites will BIA expand Tiwahe to and exactly what funding will they receive?

Answer. In FY 2023, Congress appropriated \$1.0 million to the Tiwahe ICWA program, with the express purpose of expanding the Tiwahe demonstration. For the ICWA funding, a solicitation for Tiwahe site expansion closed on August 31, 2023, and an announcement of the new Tiwahe Tribes and Tribal Organizations occurred in January 2024. 10 sites that applied to participate in the demonstration expansion were selected for this funding opportunity. Sites that previously received a one-time funding award are eligible to receive an additional one-time funding award of \$100,000 to either develop a Tiwahe plan or implement cultural programming.

In FY 2023, Congress also appropriated \$1.0 million to the Tiwahe Social Service program also with the express purpose of expanding the Tiwahe demonstration. The Social Services funding will be used to establish two new Tiwahe demonstration sites. The solicitations for these new demonstration sites were done in the IWCA solicitation described above which closed on August 31, 2023, and an announcement of these new Tiwahe sites occurred in January 2024. The additional \$1.0 million will be split evenly between these two new Tiwahe demonstration sites for those Tribes to develop a Tiwahe plan which will guide implementation during subsequent years of participation in the Tiwahe demonstration site program.

Question. What is the funding plan for those who currently receive Tiwahe funding? What happens to those who are currently a pilot site and what happens to those who are receiving tribal courts money? Is the Administration proposing to move that funding into a reoccurring base program amount?

Answer. There are six existing demonstration sites and Tiwahe funding for those sites for Social Services, ICWA, and HP became base funding in FY 2021. Recidivism Reduction Initiative (RRI), Tiwahe Tribal Courts (TTC), and Tribal Justice Support (TJS) funding includes some base funding components for these Tribes. The Human Services funding (which comprises Social Services, IWCA, and HP) for the four new Tiwahe Tribes (CSKT, PITU, and two new demonstration sites) would become base funding in FY 2025.

The Department does not plan to reallocate or diminish the base funding for the demonstration sites in any of the currently funded program areas. The primary goal of the Tiwahe Initiative is to show how Tribal community well-being improves when Tribes or Tribal Organizations are provided sufficient reoccurring base funding to build sustainable programs that address the major challenges facing the community. The 2021 Tiwahe Congressional Report identified how the six demonstration sites used their funding and support from the Department to markedly improve community well-being—from reducing the number of children in foster care, to keeping children with families while in care, to reducing juvenile recidivism to half the national average, and to winning Alaska Supreme Court cases that preserve the rights of Tribes in ICWA cases. The demonstration sites have used the influx of Tiwahe funding to leverage additional funding to supplement their budgets. For example, Ute Mountain Ute has obtained over \$100 million dollars in grants and private philanthropy since 2017 due to the investment of Tiwahe funding. Red Lake Nation (RLN) was able to use their Tiwahe Plan as a Substance Abuse and Mental Health Services Administration (SAMHSA) Tribal Action Plan, which allowed RLN to access additional grant funding from SAMHSA for programming to improve mental health and address addiction issues, including a multigenerational wellness center.

TTC and TJS funding will continue to support Tribal courts and healing to wellness courts. However, beyond the base funding components already established, there is currently no plan to transfer additional funding into base so we can continue to target specific Tribal court needs that change from year to year. For example, a court that requested funding in year 1 for computers or recording systems, may not need the same amount or same items in year 2. As of the end of FY 2023 no Tribal request for TTC or TJS funding has been denied. It should be noted that

Tiwahe demonstration sites' requests for TTC funding are considered first, at all times.

The plan to distribute FY 2024 TTC and TJS Tiwahe funding remains the same. All Tribal justice systems, whether or not they are Tiwahe demonstration sites, depend on the Tiwahe funding appropriated to address issues dealing with the health and safety of the family. On average, TTC and TJS funds support approximately 107–117 tribal justice positions per year, all dealing with child welfare and child dependency cases. As noted earlier, requests from Tiwahe demonstration sites are honored first, at all times. The remainder of those funds are distributed to tribal justice systems within Public Law 280 jurisdictions and those not in Public Law 280 jurisdiction. In FY 2023, 107 positions were funded with TTC/TJS resources, including 6 child welfare attorneys, 15 Guardians Ad Litem, 15 Prosecutors/Presenters, and 11 Public Defenders, as well as other positions such as navigators for families within the court system. These positions are essential for the safety of the community. The average funding award is approximately \$92,500 for each tribal justice system, several requiring more than \$150,000. Tribes depend on these one-time awards as a large part of their operating budget.

PUBLIC SAFETY AND JUSTICE FUNDING FOR PUBLIC LAW 280 STATES

Question. In Alaska more than 100 tribes have no law enforcement presence whatsoever in their community and because of the remote nature of many Native villages, often it takes days and air and/or boat travel for law enforcement to address violent felonies. Mr. Newland, are you aware of the various law enforcement challenges tribes face in Alaska? Can you share with the Subcommittee how much funding is being devoted to the Public Law 280 states for law enforcement and where that funding is coming from? Do you have an estimate on what the funding levels would be necessary so that all of these communities would be on par with the others who receive law enforcement funding?

Answer. We recognize the unique challenges faced by Tribes in Alaska, especially in law enforcement. Regarding the numbers, BIA submits an annual report to the Congress that summarizes, among other things, the estimated annual law enforcement program funding needs throughout Indian Country. The most recent Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2020, (<https://www.bia.gov/bia/ojs/documents-and-reports>) provides BIA's law enforcement spending and estimated program needs for Alaska and other Public Law 280 States (California, Minnesota, Nebraska, Oregon, and Wisconsin). This report identifies FY 2020 law enforcement funding, not including Detention and Corrections or Tribal Courts funding, of \$17.6 million that was allocated to law enforcement programs serving Tribes in Public Law 280 States. The report also estimates the law enforcement need associated with those six States was \$665.9 million for adequately staffed, fully funded programs. Jurisdictional challenges and State provided support notwithstanding, a funding level of \$207 million (or 31% of need) would be necessary to align Tribes in these States with Tribes in non-Public Law 280 jurisdictions.

Beyond our traditional law enforcement programs, the OJS Division of Drug Enforcement and Missing & Murdered Unit each have four Special Agent positions located in Public Law 280 States to augment the investigative capabilities of local law enforcement. These two organizations also work closely with other Federal and Tribal stakeholders on multiple task forces to ensure information sharing and advance the safety of Indian communities.

QUESTIONS SUBMITTED BY SENATOR JOHN HOEVEN

Question. The Three Affiliated Tribes of Mandan, Hidatsa and Arikara (MHA Nation) are leaders in oil production at the Fort Berthold Reservation, with about 90% of the tribes' revenue coming from oil production. These resources help provide critical funding for the Tribe's essential needs, including infrastructure and healthcare. The Three Affiliated Tribes have produced as many as 300,000 barrels of oil per day; however, production remains down at only 152,640 barrels per day. Does the administration support the right of Tribes to develop all of their energy reserves, including their oil trust reserves?

Answer. The Department supports Tribal sovereignty and the Tribes' right to economic development of all Tribal energy reserves, including oil and gas, to make lives better for people in their communities. It is important that Tribes maintain the ability to implement, regulate, and benefit from energy development in their commu-

ities. The Department looks forward to our continued work with Congress to help Tribal Nations further empower themselves through energy development.

The BIA has reviewed and concurs with the production status information reflected in this question. Oil production on the Fort Berthold Indian Reservation (FBIR) achieved a high peak in 2019 and has declined since that time. We observe that the decline in the number of well permit applications likely results from multiple factors, including various title disputes on the FBIR that are the focus of significant effort and dedicated resources to resolve, as well as other dynamics that industry and the Federal partners in the area are jointly coordinating to address.

Dedicated BIA resources to support the Tribe's efforts to develop energy resources on the FBIR have been key to maintaining production on the FBIR and working toward optimizing production volumes. Since 2017, the BIA's Indian Energy Service Center (IESC) has supported the BIA's field offices and other federally processed oil and gas leases and communitization agreements (CAs) on the FBIR that had been previously delayed due to litigation and other complications resulting from the high work volume generated within the highly productive Williston Basin (Bakken Formation). As a result of the IESC's efforts, the Department has collected and disbursed approximately \$1.895 billion in oil and gas royalties to Tribes and Individual owners as of January 2024.

The IESC has also processed CAs for the Uintah & Ouray (U&O) BIA Agency since 2019. The total royalty amount that has been transacted through these IESC processed CAs goes back to calendar year 2011 as some of the CAs approved had an effective date starting as far back as that year. As a result of the IESC's support, the Department has collected and disbursed approximately \$79,241,452 since 2019 in oil and gas royalties.

The Department and BIA will continue to support mineral needs and priorities of Tribes and Individual mineral owners nationwide. The Department has taken additional steps to support Tribes by transferring the Division of Energy and Mineral Development (DEMD) under the BIA. DEMD provides grant funding and technical assistance to fulfill the Department's trust responsibility to assist Tribes and Indian beneficiaries in furthering the goal of Indian self-determination through developing minerals, energy, and renewable energy.

From 2015 to 2022 the DEMD provided grant funding to Tribes totaling \$51.3 million through the Energy and Mineral Development Program (EMDP) and the Tribal Energy Development Capacity (TEDC) grant program, available exclusively to Indian beneficiaries. These programs support Tribes' efforts to develop all phases of energy and minerals, including oil and gas, solid minerals, and renewable energy. The DEMD, staffed with STEM professionals reflective of the energy and mineral industries, accompanies these grants with meaningful technical assistance to Tribes to maximize Tribal success in developing energy and mineral resources. The DEMD has been administering these Tribal grant programs since 1983. In 2022, \$14.1 million in grant funding and technical assistance valued at \$9.3 million were provided to Tribes through these programs. On average, DEMD has been able to fund about 30% of total grant applications received. On an annual average basis, DEMD grant funds and technical assistance resources are roughly allocated in even proportions to 1) Tribal oil and gas and solid mineral development efforts, 2) Tribal renewable energy development efforts, and 3) Tribal capacity building related to energy management and support for developing multiple energy and mineral commodities.

A partial list of example Tribal energy development successes supported by DEMD, IESC and other BIA offices includes:

- Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (Eastern Shoshone) and the Northern Arapaho Tribe of the Wind River Reservation, Wyoming (Northern Arapahoe)—The DEMD has provided direct advisement to the Tribes to assume operations of oil field assets and initiate a Tribally owned oil and gas enterprise aimed at developing economic benefit to Tribal members. DEMD continues to provide ongoing Tribal oil field operation advisement support.
- Navajo Nation, Arizona, New Mexico, & Utah—The DEMD has provided to the Navajo Nation EMDP grant monies and technical assistance to assess Helium development. Although not a specific energy development, it is a critical fluid mineral that is developed with oil and gas technology.
- The Osage Nation—Grant monies and technical assistance supports Tribal efforts to assess and expedite oil and gas development, modernize their oil and gas data reserve data.
- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana—The IESC and the DEMD have partnered with BIA Fort Peck Agency Office in assessing and prioritizing marketable lands and provided processing support to

prepare and administer an upcoming competitive, advertised oil and gas lease sale.

- Jicarilla Apache Nation, New Mexico—The DEMD provided technical assistance to the Tribe in reviewing proposed agreements authorized by the Indian Mineral Development Act of 1982 (IMDA) and supported the Tribe in general operational coordination with industry.
- Torres Martinez Desert Cahuilla Indians, California—The DEMD's ongoing support includes assessment of economic development in the Salton Sea area through energy related rights-of-way (ROW) via business agreements with energy operators working to bring electrical service to Riverside County, and possible metals extraction from geothermal process water in Imperial County.
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada—The DEMD has worked with and provided technical assistance and EMDP grants to the Pyramid Lake Reservation and the Bristol Bay Corporation to assist in the development of geothermal resources.
- Seismic Data Support—The DEMD coordinates with Tribes via grant and technical assistance to develop, acquire, and house seismic reflectivity data, critical to assess and market potential Tribal energy reserves. Tribal seismic data collected to date is valued at approximately \$160 million.
- Tribal Energy Development via the NAPE Expo—The DEMD coordinates with Tribes to facilitate Tribal travel and attendance annually to the prominent North American Prospect Expo (NAPE), an industry driven expo focused on nationwide energy resource business development. Energy operators and other parties attend the expo with the goal of pursuing the business of developing conventional and renewable development. DEMD accompanies Tribal representatives at NAPE and serves as technical support in both conventional and renewable energy development phases.
- Tribal Energy Training Development—The DEMD has partnered with the Petroleum Engineering Department at the Colorado School of Mines to provide to Tribes a 3-day course of oil and gas development on Tribal lands. The IESC has developed and provided training to Tribes in energy development procedural practices within the Department of the Interior via the Standard Operation Procedures (SOP) Tribal training series.
- NIOGEMS—The National Indian Oil & Gas, Energy and Minerals System (NIOGEMS) is a graphical software system developed in-house by DEMD specifically for Tribes to manage their energy and mineral trust resources. NIOGEMS houses data from multiple systems of record, public datasets, and proprietary datasets into one application for ease of energy asset management and analysis. The NIOGEMS application is provided to Tribes and Federal Agencies to aid energy resource management.

Question. What steps—including Tribal consultation—are being taken to help Tribes access and navigate Federal energy programs?

Answer. The DOI, through the BIA, established the Indian Energy Service Center (IESC) in 2016, in response to the surge of oil and gas development among several Tribes, including the Three Affiliated Tribes, as well as the Southern Ute Tribe, the Uintah and Ouray Tribe, and the Osage Nation. The IESC is a multi-agency office utilizing the services of the BIA, Bureau of Land Management (BLM), Office of Natural Resource Revenue (ONRR), and the Bureau of Trust Funds Administration (BTFA). Each of these offices play key roles and responsibilities in the management of oil and gas (mineral), energy, and renewable energy resources for the Tribes and Individual beneficiaries. The IESC assists local Federal field offices with workloads to minimize backlogs in transactions associated with oil and gas development. The increased coordination and support between the key Federal agencies have alleviated many of the administrative burdens and backlogs that were affecting development of Indian trust mineral and energy resources. The IESC continues to facilitate coordination between these key agencies and as a result all agencies are more responsive to the needs of the Tribes. Furthermore, the IESC chairs the Indian Energy and Mineral Steering Committee (IEMSC). IEMSC is comprised of senior level management representatives from bureaus and offices within the Department of the Interior with direct responsibility for managing Indian energy, mineral and renewable energy resources, and revenue management. IEMSC takes an active role to engage and coordinate with Federal officials from agencies outside of DOI, as needed, to address energy and mineral issues on Indian lands. While carrying out these activities, IESC has entered into MOUs with the Environmental Protection Agency (EPA), US Army Corps of Engineers (USACE), US Fish and Wildlife Service (USFWS), and the Department of Energy (DOE) to foster and build a working rela-

tionship with Federal partners to enhance Indian mineral, energy and renewable energy opportunities and communication on trust lands for the benefit of Tribes and Individual beneficiaries and mineral owners.

The IESC hosts a series of quarterly Federal Partner Meetings with the Three Affiliated Tribes, also known as the Mandan, Hidatsa and Arikara Nation, and 5 BIA Regions to discuss Indian energy and mineral resource development, royalty management coordination, and information exchange at the local office level. The departmental bureaus and offices represented on the partnership team operate under the Federal trust responsibility to federally recognized Indian Tribes, Indian allottees, and Alaska Natives.

Also housed within BIA, the Division of Energy and Mineral Development (DEMD) provides grant funding and technical assistance to Tribes to further economic independence through development of Tribal energy and minerals. Authorized by the Energy Policy Act of 2005, the DEMD accomplishes its mission with its staff of engineers, geologists, and other STEM professionals with specialized experience in conventional fluid minerals (oil and gas), renewable energy and distributed generation, solid minerals, and Tribal business and capacity development. Tribes benefit from the coordinated approach that DEMD and the IESC employ, where Tribal energy and mineral development efforts supported with DEMD grant funding and technical assistance can be expedited through the internal Federal coordination efforts of the IESC. The BIA will continue to use this coordinated model to support Tribal efforts to support all phases of energy and mineral resources.

The Department will continue to work with Congress to help Tribal Nations further empower themselves through energy development. The Department and BIA coordinate and serve on various committees with Federal partners, and the White House Council on Native American Affairs (WHCNA) to deliver opportunities and investments to Indian Country. This coordination includes discussions regarding investments available through the Bipartisan Infrastructure Law (BIL) which also provide resources and the opportunity to improve services in every Tribal community and advance self-determination to Tribes.

Timely approval of permitting and realty actions are critical to infrastructure investment in Indian Country. To this end, BIA recently announced an updated National Policy Memorandum (NPM-TRUS-44 A1) which streamlines the rights-of-way (ROWs) and business lease application process for projects funded by the American Rescue Plan Act and BIL, as well as Telecommunications and Renewable Energy Projects. This action advances the policy of the BIA to support Tribal Nations in exercising their sovereignty to govern their lands and pursue economic self-sufficiency, conservation practices, and climate resiliency. Specifically, this NPM provides clear direction to ensure that ROWs and business leases are expedited so there is no unnecessary delay in deploying critical infrastructure to Indian country.

The Department has also taken steps to support Tribes and Indian beneficiaries with the development of their trust resources and navigating energy program development with outreach coordination and communication. Lack of infrastructure and the need for increased capacity among several of the Tribal Nations are issues that need to be addressed. The IESC and DEMD and the Office of the Assistant Secretary for Indian Affairs developed the Renewable Energy Accelerated Deployment Initiative for Indian Country (READI) to engage with Tribes and inform decision makers of Tribal goals and needs regarding renewable energy development on Indian lands. READI is underway and is scheduled for implementation by December 2023. READI will support listening sessions with Tribes across Indian Country to receive input on each Tribe's vision and plan for renewable energy development and associated needs in the Tribal community. The product of READI will be a compilation report that decision makers may use for resource allocation and program development. READI will host five hybrid virtual/in-person and two virtual-only listening sessions starting on August 21, 2023.

The Department also held two consultations with Tribes regarding funding from the Inflation Reduction Act (IRA) to understand the unique Tribal energy and electrification needs and better assist Tribes in navigating the implementation and award process for the Bipartisan Infrastructure Law (BIL) and the IRA. For example, the IESC has worked with Interior's Orphaned Well Program to administer grants and assistance to Tribes looking to remediate abandoned well sites within their land. This program will distribute \$50 million in funds for 2023 and anticipates distributing \$100 million more in the next 2 years.

BIA is also coordinating with the Federal Permitting Improvement Steering Committee (FPISC) through a Memorandum of Agreement (MOA) to transfer funds for Tribes to support permitting for FAST 41 projects to BIA.

Question. The U.S. Indian Police Academy's Advanced Training Center (ATC), located at Camp Grafton in North Dakota, provides specialized advanced training for

law enforcement, corrections, and dispatch personnel of the Bureau of Indian Affairs (BIA), Federal agencies, State law enforcement, and local law enforcement. Will you continue to support the work of the ATC at Camp Grafton?

Answer. We fully intend to continue our role in this critical training partnership and support the public safety needs of Indian Country.

Question. It is important to note that Camp Grafton is also home to the North Dakota National Guard (NDNG) and serves as the region's premier National Guard training site. The NDNG has been extremely supportive of this partnership and the important training being done by BIA at Camp Grafton. In fact, the NDNG has utilized funding to construct new dorms and remodel classrooms, not only to improve its own training activities, but to further support BIA's training activities. The NDNG has also been working to finalize a memorandum of agreement (MOA) with the BIA, with the intent to lease approximately 8 acres of land at Camp Grafton to BIA for the long-term. My understanding is that the MOA is currently being reviewed by the Department of the Interior's Office of the Solicitor. Will you help ensure that the MOA is reviewed in a timely manner and that my office is informed of any decision?

Answer. Yes, we intend to keep you apprised of any legal concerns raised regarding the lease and will work with your office to address them as necessary.

SUBCOMMITTEE RECESS

Senator MERKLEY. And this hearing is adjourned.
[Whereupon, at 11:39 a.m., the hearing was adjourned.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

PREPARED STATEMENT OF THE ALLIANCE FOR THE GREAT LAKES

The Alliance for the Great Lakes is a nonpartisan nonprofit working across the Great Lakes region to protect and restore the Great Lakes. Founded in 1970, we have worked for 50 years on programs to ensure public access to clean, safe and affordable drinking water; protect water quality; stop the establishment and spread of harmful invasive aquatic species, including invasive carp; reduce plastic pollution; and advocate for increased drinking and wastewater infrastructure funding and programs to ensure that water remains affordable for all Americans. Our membership and supporters are located throughout the eight States in the Great Lakes region and each year we mobilize more than 15,000 volunteers to take action to ensure that our shorelines and beaches are healthy, safe and clean.

The Great Lakes are not only a national treasure but are a globally significant resource containing 20 percent of the world's available freshwater supply. The Lakes provide some 30 million Americans with drinking water and are vital to communities in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. The Great Lakes not only provide water, but they also support jobs, commerce, agriculture, transportation, and tourism for millions of Americans. Protecting the health of the Great Lakes is integral to the environmental and economic health of the region.

But the Great Lakes face continued threats from the harmful legacy of decades of pollution that threaten our communities with cancer-causing contaminants, drinking water restrictions, and fish consumption advisories. Action is needed at all levels of government to address these threats, as well as emerging issues associated with climate change. The FY 2024 Interior, Environment and Related Agencies Appropriations bill under this subcommittee's jurisdiction funds an array of programs and projects in the Environmental Protection Agency and the Department of the Interior that are critical to the restoration and protection of the Great Lakes. This written testimony highlights just three of the programs under your consideration: the Great Lakes Restoration Initiative and water infrastructure funding for the Clean Water and Drinking Water State Revolving Funds. Although all of these programs received investments in the Infrastructure Investment and Jobs Act of 2021, continued funding at increased and authorized levels is necessary to deal with the significant challenges each program faces and additional detail is provided below.

GREAT LAKES RESTORATION INITIATIVE

The Great Lakes Restoration Initiative (GLRI) is an Environmental Protection Agency funded grant program that supports State, Federal, Tribal and local efforts to protect and restore the Great Lakes. GLRI funding is allocated by a 16-member Federal interagency task force and regional working group to address water quality

issues associated with pollution and legacy contaminants; habitat loss/degradation and invasive species consistent with a 5-year action plan containing measurable goals and objectives. Since its inception in 2010, nearly \$3 billion has been provided to fund more approximately 6,000 projects throughout the Great Lakes region.

For every \$1 the GLRI invested, it is estimated that the investment will produce more than \$3 in additional economic activity regionwide through 2036. Accordingly, the GLRI is revitalizing our waterfronts and leading a resurgence in water-based outdoor recreation and increasing tourism across the region.

For FY 2024, we recommend that the Committee fund this program at \$425 million. This funding level is consistent with the congressional project reauthorization in the Great Lakes Restoration Initiative Act (Public Law 116-294, Jan. 5, 2021) which authorizes \$425 million in funding for FY 2024. In addition to supporting States, Tribes and local communities, GLRI funding also supports US Treaty obligations under the Boundary Waters Treaty of 1909 between the US and Canada and its Great Lakes Water Quality Agreement.

INVESTING IN WATER INFRASTRUCTURE

Another important area under the subcommittee's jurisdiction is funding for water infrastructure. The Environmental Protection Agency estimates that nationwide approximately \$743 billion is needed over the next 20 years to repair, replace and upgrade water infrastructure. In the Great Lakes alone it is estimated that the eight States need \$188 billion to upgrade aging water infrastructure. Furthermore, the Congressional Budget Office estimates that Federal funding for water and wastewater utilities has decreased fourfold since 1980, leaving State and local governments to pick up the tab.

Although the need for water infrastructure funding far outstrips available annual funding levels, we encourage you to appropriate funds for these programs at the authorized level for FY 2024 which means \$4.12 billion for the Drinking Water State Revolving Fund and \$4.63 billion for the Clean Water State Revolving Fund. These funding levels are a significant increase over funds appropriated in FY 2023 and are necessary to allow for continued progress to address water infrastructure funding needs and to ensure that families nationwide have access to safe drinking water and healthy waste water services.

We appreciate the subcommittee's consideration of our views and its work and funding support over many years for programs that protect and restore the Great Lakes. As the source of drinking water for 30 million Americans and as a significant driver in the regional economy of eight States, investments in programs that protect and restore the Great Lakes are critical to ensure the economic and environmental health of this important resource.

[This statement was submitted by Don Jodrey, Director of Federal Relations, The Alliance for the Great Lakes.]

PREPARED STATEMENT OF THE AMERICAN ALLIANCE OF MUSEUMS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to submit this testimony. My name is Laura L. Lott, and I am the President and CEO of the American Alliance of Museums (AAM). We urge your support for \$211 million in Fiscal Year (FY) 2024 funding for the National Endowment for the Arts (NEA), \$211 million in funding for the National Endowment for the Humanities (NEH), as well as sufficient funding for the Smithsonian Institution. We also request your support for the Historic Preservation Fund, including at least \$70 million for State Historic Preservation Offices (SHPOs) and \$34 million for Tribal Historic Preservation Offices (THPOs). We support \$28 million for African American Civil Rights Grants, \$13 million for Historically Black Colleges/Universities, \$7 million for Equal Rights Grants, and \$5 million for Underrepresented Community Grants. We request funding of at least \$40 million for the Save America's Treasures program and \$17 million for Paul Bruhn Historic Revitalization grants. We support at least \$11 million in funding for U.S. Semiquincentennial celebration grants for the country's 250th commemoration. In light of museums being banned from this year's Community Project Funding in the House of Representatives, which we strongly oppose, increasing funding for competitive grants for museums is all the more critical.

Before detailing these funding priorities for the museum field, I want to express my appreciation for the increases enacted in FY 2023. The additional funds for the NEH, NEA, and historic preservation activities will enhance museums' work to enrich their communities and preserve our many heritages. The subcommittee's choice

to make these investments in FY 2023 speaks volumes about its commitment to our Nation's cultural institutions. While Federal relief funding has provided critical lifelines, museums are still struggling to return to pre-pandemic levels of support.

Representing more than 35,000 museum professionals and volunteers, institutions—including aquariums, art museums, botanic gardens, children's museums, cultural museums, historic sites, history museums, maritime museums, military museums, natural history museums, planetariums, presidential libraries, railway museums, science and technology centers, and zoos—and corporate partners serving the museum field, AAM stands for the broad range of the museum community.

Museums are essential community infrastructure for many reasons:

- Museums are economic engines and job creators. According to *Museums as Economic Engines: A National Report*, U.S. museums (pre-pandemic) support more than 726,000 jobs and contribute \$50 billion to the U.S. economy per year. The economic activity of museums generates more than \$12 billion in tax revenue, one-third of it going to State and local governments. For example, the total financial impact that museums have on the economy in the State of Oregon is \$585 million, including supporting 9,740 jobs. For Alaska it is a \$280 million impact supporting 3,240 jobs. This impact is not limited to cities: more than 25% of museums are in rural areas. The import of these data is not the numbers alone—but the larger point that museums give back tremendously to their communities in numerous ways—including economically. The Federal funding for NEA, NEH, and the other programs does not stay in Washington, DC, it goes back to communities across the Nation. And it is leveraged many times over by private philanthropy, and State and local investments.
- Museums are key education providers. Museums spend more than \$2 billion yearly on education activities; the typical museum devotes 75% of its education budget to K–12 students, and museums receive approximately 55 million visits each year from students in school groups. Museums also answered the call and significantly ramped up online educational programs and resources for students and families throughout the pandemic. Museums help teach the State and local curriculum in subjects ranging from art and science to history, civics, and government. Museums have long served as a vital resource to homeschool learners. It is not surprising that in a public opinion survey, 97% of respondents agreed that museums were educational assets in their communities. The results were statistically identical regardless of political persuasion or community size.
- Museums are essential to rebuilding communities as we continue to emerge from the pandemic. The pandemic has inflicted profound damage on U.S. museums, the vast majority of which are 501(c)(3) nonprofit charitable organizations. The museum field will take years to recover to pre-pandemic levels of staffing, revenue, and attendance. Thanks to several Federal relief programs, far fewer museums than initially expected are in danger of permanent closure and tens of thousands of museum jobs were saved. While Federal relief funding has provided critical lifelines, museums are still struggling to return to pre-pandemic levels of support. According to a recent survey, 67% of museums have not recovered to 100% of their pre-pandemic attendance numbers. Of those that have not fully recovered, attendance is down on average 30% with many citing lower visitation from K–12 in-person field trips. Despite the tremendous financial and psychological stress caused by the pandemic, museum professionals demonstrated the critical role museums play in our country's infrastructure and deepened their social impact in their communities. Museums are essential community infrastructure.

The National Endowment for the Humanities (NEH) is an independent Federal agency created by Congress in 1965. Grants are awarded to nonprofit educational institutions, including museums, for educational programming, infrastructure and the care of collections. NEH supports museums as institutions of lifelong learning and exploration, and as keepers of our cultural, historical, and scientific heritages that can foster critical dialogues on challenging issues.

In FY 2022, the NEH awarded 679 grants totaling more than \$89.4 million to institutions across the U.S., including museums. All of NEH's divisions and offices support museums, including the Office of Challenge Grants which offers matching grants to support much needed capacity building and infrastructure projects at museums. Humanities councils in every State and U.S. territory sponsor family literacy programs, speakers' bureaus, cultural heritage tourism, exhibitions, and live performances. Many councils also offer grants to local cultural organizations, including museums.

In preparation for the U.S. Semiquincentennial in 2026, NEH's new "A More Perfect Union" initiative provides funding opportunities across the agency's seven grantmaking divisions for humanities projects that promote a deeper understanding of American history and culture and that advance civic education and knowledge of our core principles of government. As part of the initiative, most of NEH's grant programs include special encouragements to applications related to the United States' 250th.

Here are just two examples of how NEH funding was used to support museums' work in your communities:

- The High Desert Museum in Bend, Oregon, received a \$187,487 award to conduct archival work and public programming on the history and culture of Central Oregon, focusing on the Plateau Tribes in the region. This project will position the High Desert Museum and Museum at Warm Springs to continue core humanities work that is sustaining the region's Native based cultural infrastructure. Specific activities include transforming how the High Desert Museum structures and interprets the collection of Plateau Indian material culture in its care and cataloguing and digitizing the Museum at Warm Springs's collection and archives to support K–12 curriculum. By advancing this collaborative work, this project will have a significant and ongoing impact on the region's cultural infrastructure.
- The Museum of the Aleutians (MOTA) in Unalaska, Alaska, was awarded \$6,213 for the purchase of eight new data loggers for the museum's collection, including two units for traveling collections, to allow for improved environmental monitoring. This project will assist with the ongoing preservation of the museum's collections, helping MOTA staff meet its mission to collect, preserve, and share the rich cultural legacy of the Aleutian Islands Region.

The National Endowment for the Arts (NEA) makes art accessible to all and provides leadership in arts education. Established in 1965, NEA supports great art in every congressional district. Its grants to museums help them exhibit, preserve, and interpret visual material through exhibitions, residencies, publications, commissions, public art works, conservation, documentation, services to the field, and public programs. Annually, the National Endowment for the Arts (NEA) typically provides more than 150 awards to museums and museum-related projects, totaling approximately \$5 million.

Since 2010, the NEA has collaborated with Blue Star Families and the U.S. Department of Defense on Blue Star Museums, which provides free museum admission to active duty military and their families all summer long. Typically, more than 2,000 museums in all 50 States participate, reaching approximately nearly one million military members and their families.

The Federal role of the NEA is uniquely valuable; receiving a grant from the NEA confers prestige on supported projects, strengthening museums' ability to attract matching funds from other public and private funders. On average, each dollar awarded by the NEA leverages up to nine dollars from other sources. No other funder-public or private-funds the arts in every State and the U.S. territories. Forty percent of NEA's grant funds are distributed to state arts agencies for re-granting.

Here are two examples of how NEA funding was used to support museums' work in your communities:

- The Portland Art Museum in Portland, Oregon, was awarded \$20,000 to support a professional and artistic development lab for cinematic storytellers working in film, audio, animation, mixed reality, and new media formats. Offering professional mentorship and guidance on creative, financial, and career sustainability, the program will culminate in paid opportunities for participating artists to hold workshops and present their projects to the area community. Program activities will take place virtually and in person. The program will benefit filmmakers and media artists, as well as local audiences at exhibitions in the Portland, Oregon, area to strengthen the Nation's cultural infrastructure.
- The Anchorage Museum in Anchorage, Alaska, was awarded \$70,000 to support a series of public programs, installations, and artist residencies featuring sound art, sound ecology, and healing sound. The museum will commission artists to create work that focuses on sound, the environment and wellness. Artwork from emerging and professional artists will be presented, with a focus on artists from the Circumpolar North and Indigenous artists who work on issues connected to climate change and climate justice, as well as musicians whose work is derived from sound ecology. The project will serve audiences of all ages and include cur-

riculum development for elementary, secondary, and postsecondary students and educators.

The agency also runs the Arts & Artifacts Indemnity program, which reduces the cost of insuring major exhibitions. Absent this program, such exhibitions would need to be reduced in scale or abandoned. It saves museums millions of dollars annually, at a cost of almost zero to taxpayers.

The Smithsonian Institution comprises some of the most visited museums in the world. The National Museum of African American History and Culture has captivated audiences from around the globe, underscoring the power of our National museums to educate and inspire. We support funding increases that would allow these world-class museums to undertake critical collections care, make needed technology upgrades, conduct cutting edge research of every type, and increase access for all. And we applaud the establishment of the Smithsonian American Women's History Museum and the National Museum of the American Latino.

The Historic Preservation Fund is the funding source of preservation awards to States, Tribes, local governments, and nonprofits. State and Tribal Historic Preservation Offices carry out the historic preservation work of the Federal Government on State and Tribal lands. Historic preservation programs are not only essential to protecting our many heritages; they also serve as economic development engines and job creators, and provide vital funding to help museums serve their communities.

I hope that my testimony helped make it clear why these priorities are of critical importance to the Nation and how they provide a worthwhile return on investment to the American taxpayer. Thank you.

[This statement was submitted by Laura L. Lott on behalf of the American Alliance of Museums.]

PREPARED STATEMENT OF THE AMERICAN CIRCUS ALLIANCE

Summary: This written testimony is submitted on behalf of the American Circus Alliance (ACA) to the Senate Appropriations Committee on Interior, Environment, and Related Agencies for the official record. The ACA appreciates Congress' support for the National Endowment for the Arts (NEA) in fiscal year (FY) 2023 and asks that the Committee robustly fund the agency in FY 2024. The ACA joins the arts community in requesting support of at least \$211 million for the NEA in FY 2024 to support the creative arts economy and circus arts across the Nation.

Written Testimony: The American Circus Alliance is a service and advocacy organization dedicated to circus performance and production in the United States. The mission of the American Circus Alliance is to unite, promote, and champion the art of American circus, its practitioners, and those who work to support it. According to a 2022 survey of U.S. circus workers, these workers are distributed fairly evenly across regions of the country, with the highest concentration in the Western U.S. Circus is a vital component of the American cultural fabric, and the ACA represents U.S. circus performance and production for the formation of cultural policy at the National, as well as regional and local levels.

We thank the Committee for its successful work to substantially increase NEA funding in FY 2023 to \$204 million. We request that the Committee increase NEA funding to no less than President Biden's FY 2024 budget request of \$211 million. Increasing NEA funding would have cascading positive effects in communities across the United States and would make the money go further leveraging public-private partnerships built into NEA programs. This is particularly important at this time to continue helping those involved in the creative economy to rebound from impacts of the COVID-19 pandemic. Given that 40 percent of NEA's budget is re-granted through State and regional arts agencies, the NEA expands opportunities for Americans to participate and engage with the arts, including circus arts, in every State and congressional district. NEA grantmaking specifically supports rural and underserved areas that would not otherwise have robust access to art, such as circus arts.

A small funding increase to the NEA funding level, relative to other appropriated programs, would have an outsized effect to support the economies and well-being of our communities. Particularly during this time when there is pressure to make tough budgetary decisions, we strongly urge the Committee to protect and increase NEA funding to provide vital arts support. Investment in the NEA provides a substantial return on investment; for every dollar spent on direct grants, nine dollars in private and other public funds are leveraged, generating more than \$500 million in matching support. Supporting the arts helps the economy as a whole. The cre-

ative economy represented 4.4 percent of the gross domestic product in 2021, more than \$1 trillion in total, according to a joint report from the NEA and the Bureau of Economic Analysis.

The ACA also joins the arts community in encouraging the Committee to build a specific path to index funding for the NEA at \$1 per capita. The Endowment is currently funded at only 62 cents per capita. Such an increase in arts funding would help alleviate the historic Federal underinvestment in the arts sector that results in circus artists leaving the United States to train and create transformative art in other countries that have more robust arts funding.

The circus arts ecosystem benefits directly from NEA funding through Grants for Arts Projects. For example, the New England Center for Circus Arts (NECCA) received \$20,000 in support in FY 2022 and has reached over 45,000 audience members in public, private and school settings in rural Southern Vermont and throughout New England. Circus company Parallel Exit received \$15,000 from the NEA in FY 2023 and has reached over 50,000 audience members and 25,000 public school students throughout New York City. We additionally urge the NEA to add an additional grant submission category for circus. Currently, circus grant applications must apply through the multidisciplinary arts category, which is defined as a combination of performing, visual, media, design, and literary arts, which does a disservice to the specific needs and particularities of circus arts. Circus arts are an evolving art form of popular entertainment that synthesizes physical technical mastery with artistic expression of one or more circus techniques recognized by professionals, including but not limited to balancing, clowning art, equestrian art, floor acrobatics, aerial acrobatics, variety arts and juggling. Increased NEA funding would help the Endowment to fund more meritorious arts grants across their areas of jurisdiction, and would increase opportunity for art forms, like circus arts, that lack center stage attention when it comes to funding, yet still stimulate local economies and connect communities.

Conclusion: The National Endowment for the Arts plays a critical role in supporting development and accessibility of art to people all across the Nation. Arts funding is vital to inspire and connect people, and it has a powerful economic impact. On behalf of the American Circus Alliance, thank you for your consideration of Federal funding for the NEA at no less than \$211 million for FY 2024, as well as a specific path to index funding for this agency at \$1 per capita.

[This statement was submitted by Serenity Smith Forchion, Co-President, Mark Lonergan, Co-President, Shenea Stiletto, Advocacy Committee Co-Chair, Eliana Perlmutter, Advocacy Committee Co-Chair, American Circus Alliance.]

PREPARED STATEMENT OF AMERICAN HIKING SOCIETY

Chair Merkley, Ranking Member Murkowski, and members of the subcommittee, on behalf of American Hiking Society and the millions of trail users our 201 collective organizations represent who spend their time, money and energy to get out on trails for recreation, health and wellness, and to volunteer, we thank the Committee for the opportunity to provide testimony on the importance of adequately funding our Nation's trails and public lands to ensure access for all. We ask the Committee to adopt the following funding requests so the Federal Government can continue to leverage private contributions and benefit from volunteer labor as well as provide inexpensive, healthy outdoor recreation options for your constituents and all Americans. Appropriations for Federal land management agencies requested herein, coupled with the significant resources provided by non-profit partners, serve to accelerate collective stewardship of our Nation's public lands and waters and enhance climate adaptability.

SUMMARY OF REQUESTS

Forest Service:

- Capital Improvement and Maintenance (CMTL), Trails at \$24M, including \$11.957M for National Scenic and Historic Trails, and funding for the National Forest System Trail Stewardship Trail Partner Funding. In order to support adequate funding for all Forest Service trails and to avoid a reduction in the existing budget for all other Forest Service managed trails, increases for all other Forest Service Trails should occur in parity with the rate of increases for National Scenic and Historic Trails;
- \$58.575M to fund Recreation, Heritage & Wilderness;

—At least \$15M to fund Legacy Roads & Trails, with support for Washington Watershed Restoration Initiative (WWRI) coalition request of \$100M.

Bureau of Land Management:

- Funding at \$13.75M for National Trails System Line Item;
- National Conservation Lands at \$78.145M, but a minimum level funding of FY23 at \$61.499M

U.S. Fish and Wildlife Service:

- Refuge Visitor Services at least \$86.114M

National Park Service:

- Rivers, Trails, & Conservation Assistance (RTCA) program at \$15M;
- Park Service Operations for the National Trails System at a minimum of \$20.964M;
- Volunteers in Parks programs at a minimum of FY23 levels, including dedicated funding to the National Trails System;
- Visitor Services sub-activity, Youth Partnership Programs at a minimum of \$10.95M, including an acknowledgment of the benefits for trails;
- Outdoor Recreation Legacy Partnership (ORLP) Program, at a min \$135M

US Geological Survey:

- \$1.5M to fully fund the National Digital Trail Project (NDTP)

FOREST SERVICE RECOMMENDATION:

National Forest trails benefit everyone and receive increasing public use each year. Collectively, the National Forests provide 159,000 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.” Roughly 120,000 of the 159,000 miles of trails are in need of some form of maintenance or repair.

Program: Capital Improvement and Maintenance, Trails

FY24 Funding Level Requested: \$24M

FY23 Level: \$20M

Department: Agriculture Agency/Account: Forest Service, Capital Improvement and Maintenance, Trails

Report Language requested:

- In order to support adequate funding for all Forest Service trails and to avoid a reduction in the existing budget for all other Forest Service managed trails, increases for all other Forest Service Trails should occur in parity with the rate of increases for National Scenic and Historic Trails
- The committee supports continued funding for the National Forest System Trail Stewardship Trail Partner Funding Program. Much of the Forest Service's trail work is accomplished today by volunteer groups and non-profit partners. The Forest Service has a successful Trail Stewardship Partner Funding challenge cost share program that leverages Federal funding by 3 to 5:1.

Program: Recreation, Heritage & Wilderness

FY24 Funding Level Requested: \$58.575M at a minimum

FY23 Level: \$55M

Department: Agriculture

Agency/Account: Forest Service, Recreation, Heritage & Wilderness

Program: Legacy Roads & Trails

FY24 Funding Level Requested: \$6.39M at a minimum

FY23 Level: \$6M

Department: US Department of Agriculture

Agency/Account: Forest Service, Legacy Roads & Trails

BLM RECOMMENDATION:

The BLM manages 13,468 miles of trails over 245 million acres -more land than any other Federal land management agency 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.

Program: Bureau of Land Management National Trails System Line-Item Funding
FY24 Funding Level Requested: \$ 13.75
FY23 Level: \$11M
Department: Bureau of Land Management. Agency/Account: National Conservation Lands, National Trails

Program: National Conservation Lands
FY24 Funding Level Requested: \$78.145M, but a minimum \$61.499M
FY23 Level: \$61.499M
Department: Bureau of Land Management Agency/Account: BLM, National Conservation Lands

FWS RECOMMENDATION:

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 \$93M will provide for trail maintenance across the land and water trails, refuges, wetlands, and hatcheries, including 11 National Scenic and Historic Trails and forty-four National Recreation Trails.

Program: Visitor Services
FY24 Funding Level Requested: \$86.114M
FY23 Level: \$80.859M
Department: Department of Interior Agency/Account: Fish and Wildlife Service, Visitor Services

NPS RECOMMENDATION:

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.

Program: Rivers, Trails, & Conservation Assistance (RTCA)
FY24 Funding Level Requested: \$15M
FY23 Level: \$13M
Department: Department of Interior Agency/Account: NPS, National Recreation and Preservation
Report Language requested: Within, National Recreation and Preservation, \$13.845M for the Rivers, Trails, & Conservation Assistance program.

Program: National Trails System
FY24 Funding Level Requested: \$20.964M
FY23 Level: \$18.856M
Department: Department of Interior Agency/Account: National Park Service, Park Service Operations
Report Language requested:

—Within, Park Service Operations, \$22.18M for administration of the National Trails System.

—National Trails System. -The Committees understand the importance of providing adequate funding for the development and maintenance of the National Trails System for future generations to enjoy. The Committees urge the Service to continue its efforts to develop National Scenic and Historic Trails, not limited to supporting construction and maintenance projects and volunteer coordination efforts, and to recognize equal "unit" status of National Scenic Trails.

Program: Volunteers in Parks
FY24 Funding Level Requested: Maintain FY23 increase, at minimum
FY23 Level: Unknown
Department: Department of Interior Agency/Account: NPS, Park Partnership Support Functions
Report Language requested: The committee recommends funding through Volunteers in Parks be provided for volunteer support of the National Trails System, National Rivers, and National Park Service trails.

Program: Youth Partnership Programs
 FY24 Funding Level Requested: \$10.95M
 FY23 Level: Unknown
 Department: Department of Interior Agency/Account: National Park Service, Visitor Services
 Bill Language requested:
 Report Language requested: The committee recommends funding through the Youth Partnership Programs be provided for support of the National Trails System, National Rivers, and National Park Service trails.

Program: Outdoor Recreation Legacy Partnership
 FY24 Funding Level Requested: At least \$135M
 FY23 Level: \$125M
 Department: Department of Interior Agency/Account: National Park Service, State Conservation Grants
 Report Language requested: The committee recommends funding through the Outdoor Recreation Legacy Partnership Program be provided for support of trails, including the National Trails System.

US GEOLOGICAL SURVEY RECOMMENDATION:

Program: National Digital Trail Project
 FY24 Funding Level Requested: 1.5M
 FY23 Level: \$1.35M
 Department: U.S. Geological Survey Agency/Account: U.S. Geological Survey, Core Science Systems

(ACROSS AGENCIES) RESTORE STAFFING FOR FEDERAL LAND MANAGERS
 RECOMMENDATION:

Federal land managers, including those overseeing recreation and trails programs across NPS, USFS, BLM, and FWS sites, continue to face staffing shortages impacting the ability to adequately manage, maintain, and conserve the Nation's trails. Across the board land management agency staffing needs to be increased in order to support all aspects of trail management and maintenance, including volunteer engagement and partnerships, land acquisition, on the ground maintenance of trails systems that are desperately in need of attention to reduce maintenance backlogs, ensure that trails are safe and accessible, and address current and anticipated high levels of public use.

[This statement was submitted by Tyler Ray, Senior Director for Programs and Advocacy, American Hiking Society.]

PREPARED STATEMENT OF THE AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the Smithsonian Institution, United States Geological Survey (USGS), United States Fish and Wildlife Service (USFWS), and Environmental Protection Agency (EPA) for fiscal year (FY) 2024. We encourage Congress to provide additional funding to the Smithsonian Institution in FY 2024, including at least \$60 million to the National Museum of Natural History with new funding to support scientific and curatorial work. We urge Congress to provide the USGS with \$1.85 billion in FY 2024, with at least \$395 million for its Ecosystems Mission Area. We further request that Science Applications (previously named Science Support) within USFWS be provided at least \$55.5 million in FY 2024. Lastly, we request that Congress provide EPA Science and Technology with at least \$967.8 million in FY 2024.

The unprecedented loss of biological diversity and the associated negative impacts on human health and well-being are of significant concern. As human population grows and people increasingly come into contact with new environments and species migrating into new habitats, the risk of new diseases, such as zoonotic pandemics, is of growing concern. Biological diversity, however, offers a buffer against the spread of pathogens and contributes to environmental sustainability and increases our resilience to natural disasters. Robust Federal investments in scientific research and monitoring that improves our understanding of biological diversity and ecosystem function must be a priority as we emerge from the COVID-19 pandemic. The agencies funded by this appropriations bill are centrally involved in conducting, supporting, and using this scientific research for public benefit.

AIBS is a scientific association dedicated to promoting the use of science to inform decision-making that advances the biological sciences for the benefit of science and society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to information to guide informed decision-making.

SMITHSONIAN INSTITUTION

Scientific collections and the professionals and scientists who collect, care for, and study these resources are a vital component of our Nation's research infrastructure and bioeconomy. Collections are a critical resource for advancing the knowledge needed to address current global challenges such as climate change, biodiversity loss, and pandemics.

The Smithsonian Institution's National Museum of Natural History (NMNH) is a valuable Federal partner in the curation of and research on scientific specimens. Scientists at the NMNH care for 146 million scientific specimens and ensure the strategic growth of this internationally recognized scientific research institution. To increase the availability of these scientific resources to researchers, educators, other Federal agencies, and the public, NMNH is working on a multi-year effort to digitize its collections and make the data available online. That effort will substantially increase the use of these collections by researchers, educators and students, and policymakers. NMNH is also working to strengthen curatorial and research staffing and to backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections. Future curatorial and collections management staffing levels may be further jeopardized given prior funding cuts at science agencies, such as the USGS that, until recently, supported staff positions at NMNH.

The budget for NMNH has not seen adequate increases in recent years. We urge Congress to provide NMNH with at least \$60 million in FY 2024 to allow the museum to undertake critical collections care, make needed technology upgrades, and conduct cutting edge research.

U.S. GEOLOGICAL SURVEY

The USGS provides unbiased, independent research, data, and assessments that are needed by public and private sector decision-makers. Data generated by the USGS save taxpayers money by enabling more effective management of water and biological resources and providing essential geospatial information that is needed for commercial activity and natural resource management. The data collected by the USGS are simply not available from other sources.

The Ecosystems Mission Area is the biological research arm of USGS and is integral to the agency's other science mission areas. It provides the science needed to achieve sustainable management and conservation of natural resources and inform land and water stewardship. The USGS conducts research on and monitors fish, wildlife, and vegetation-data that informs management decisions by other Interior bureaus. Biological science programs collect and analyze long-term data not available from other agencies, universities, or the private sector. The knowledge generated by the USGS are used by Federal and State natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Examples of successful USGS Ecosystem initiatives include:

- Development of comprehensive geospatial data products that characterize the risk of wildfires on all lands in the United States. These products are used to allocate firefighting resources and to plan wildfire fuel reduction projects.
- Development and evaluation of control measures and other management interventions for invasive species, such as Asian carp and sea lamprey, that cause billions of dollars in economic losses to fisheries, hydropower, recreation, and many other industries.
- Development of the scientific understanding needed to combat the spread of avian flu, white-nose syndrome, and other diseases spread by wildlife in North America, including diseases that can jump from wild populations to livestock, agricultural systems, and humans.

The USGS also supports critical science needed to respond to a number of national and global challenges. Examples of the important work conducted by the USGS include:

- The National and Regional Climate Adaptation Science Centers. This program is responsible for developing the science and tools to address the effects of climate change on land, water, wildlife, fish, ecosystems, and communities. These

centers play a vital role in addressing the impacts of unique weather patterns on ecosystem health across the country.

- The National Wildlife Health Center. This USGS-wide program investigates national and international wildlife health issues, including the spread of zoonotic pathogens, such as the virus that causes COVID-19. Zoonoses-diseases that spread from wildlife to humans-can pose serious threats to human health and cause significant disruptions to the economy.
- Cooperative Research Units (CRUs). CRUs are located on 40 university campuses in 38 States. These research centers are a cost-effective way for USGS to leverage research and technical expertise affiliated with these universities to conduct actionable research, provide technical assistance, and develop scientific workforces through graduate education and mentoring programs.
- Environmental Health Research. The Toxic Substances Hydrology and Contaminant Biology programs work collaboratively with other USGS Mission Areas, and with many external collaborators to study environmental contaminants and pathogens in the environment and provide the critical science needed to help Federal, State, and local government agencies, the private sector, non-governmental organizations, and other stakeholder groups protect fish and wildlife health.
- Research on ecosystems of concern. This research is a critical component of efforts to restore and manage important national resources, such as the Everglades and the Chesapeake Bay. The Changing Arctic Ecosystems initiative conducts research on wildlife and habitat responses to ecosystem change in the Arctic to inform land and species management decisions and address the needs of Arctic residents, including Native communities.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the Nation's biological and environmental challenges, including pandemics, water quality and use, energy independence, and conservation of biodiversity. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. USGS science also enables cost-effective decisions, as the agency's activities help to identify the most efficient management actions. Increased investments in these important research activities will yield dividends.

We urge Congress to provide significant funding increases to the Ecosystems Mission Area. In recent years, the budget for USGS has stagnated. Failure to make critical investments in the research conducted by the agency will hamper long-term data collection initiatives, lead to critical data loss, and undermine the Nation's ability to address national challenges.

We request that Congress fund USGS at \$1.85 billion in FY 2024, with at least \$395 million for the Ecosystems mission area.

U.S. FISH AND WILDLIFE SERVICE

The Science Support program within USFWS provides scientific information needed by the agency, such as research on conservation of priority species prior to Endangered Species Act listing, the impacts of energy production on wildlife, and best management practices for combating invasive species, and needs to be robustly funded. In FY 2023, Science Support was merged with the Cooperative Landscape Conservation activity and renamed Science Applications to support science partnerships with States, Tribes, industry, local communities, and other stakeholders. The enacted funding for Science Applications in FY 2023, however, was lower than the combined FY 2022 funding for its two activities.

We request that Science Applications be provided at least \$55.5 million in FY 2024, as requested by the Administration, with robust funding for activities previously under Science Support.

ENVIRONMENTAL PROTECTION AGENCY

Funding for EPA Science and Technology supports valuable research that identifies and mitigates environmental problems. EPA research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. This program provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Despite the important role of EPA Science and Technology in the Federal Government's ability to ensure that people have clean air and water, funding for its programs in recent years has remained significantly lower than the level enacted in FY 2010. Although President Biden proposed to increase EPA's Science and Tech-

nology budget by 15 percent in FY 2023, Congress provided only a 7 percent increase. Strong increases in funding are needed for programs such as the Science to Achieve Results (STAR) Research Grants Program, which supports extramural research that advances EPA's mission to protect human health and the environment, and the Global Change Research program, which develops scientific information that allows policy makers, stakeholders, and society to respond to climate change.

Please provide at least \$967.8 million in FY 2024 to support scientific research at the EPA. This much needed increase will allow the agency to provide resources for efforts to protect and restore our Nation's natural resources.

CONCLUSION

We urge Congress to sustain its bipartisan support for science by investing in our Nation's scientific capacity. Thank you for your thoughtful consideration of this request.

[This statement was submitted by Jyotsna Pandey, Ph.D., Public Policy Director, American Institute of Biological Sciences.]

PREPARED STATEMENT OF THE AMERICAN LUNG ASSOCIATION

SUMMARY OF FY 2024 APPROPRIATIONS RECOMMENDATIONS

EPA topline—12 billion
 Clean Air Program overall—\$915.5 million
 Climate Protection Program—\$181.2 million
 Categorical Grants: State and Local Air Quality Management—\$500 million
 Categorical Grants: Tribal Air Quality Management—\$57.4 million
 Compliance Monitoring—\$162.1 million
 Enforcement—\$391.4 million
 Environmental Justice—\$369.1 million
 Diesel Emissions Reduction Grant Program—\$150 million
 EPA Radon Program—\$5 million
 Categorical Grant: Radon—\$18 million

Thank you for the opportunity to provide written testimony to highlight the funding priorities of the American Lung Association within the Environmental Protection Agency (EPA) for fiscal year 2024 (FY24). The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease through education, advocacy and research. Between the toll of lung cancer, the prevalence of asthma and the harms of unhealthy air, investments in the Nation's lung health are critical. We urge the Committee to support \$12 billion in funding for the Environmental Protection Agency.

EPA programs play an important role in efforts to improve lung health and save lives. The Agency is responsible for setting and enforcing national air pollution standards, supporting air quality monitoring and pollution reduction efforts and educating the public about air toxics and air pollution. With the passage of clean air and climate investments in 2022, EPA is also responsible for administering millions of dollars in grant programs to States, localities, Tribes and other entities to reduce pollution and improve health. Air pollution poses a threat to the health of all Americans, but some individuals are at heightened risk of health harms from breathing polluted air. There are nearly 34.1 million Americans living with a chronic lung disease like asthma or chronic obstructive pulmonary disease (COPD). Children, seniors, individuals who are pregnant and people who work and play outside are also more likely to suffer health harms. Additionally, people of color and with low incomes often face a greater risk of exposure to air pollution. The Lung Association's 2023 "State of the Air" report found that 64 million people of color and 14.6 million people with incomes meeting the Federal poverty definition live in counties that received a failing grade for ozone and/or particle pollution.¹

Provide \$915.5 million for EPA's Clean Air Program. We strongly support robust funding for EPA in FY24 to ensure continued pollution cleanup. Funds under EPA's Clean Air Program are used in part to assist States, Tribes and local air pollution control agencies with implementing comprehensive air quality management programs to meet the National air quality standards. This program also includes testing and oversight to ensure vehicles are emitting lawful amounts of pollution into the air as well as efforts to reduce carbon pollution, methane, and other climate pol-

¹ The American Lung Association. State of the Air, April 2023 <https://www.lung.org/sota>

lutants to protect public health from the impacts of climate change. Please provide \$694.6 million for Environmental Programs and Management and \$220.9 million for Science and Technology. Within this program area, the Lung Association specifically requests \$181.2 million for the Climate Protection Program across Environmental Programs and Management and Science and Technology.

Provide \$500 million for State and Local Air Quality Monitoring Grants and \$57.4 million for Tribal Air Quality Monitoring Grants. Accurately monitoring the air we breathe is the first step to addressing air pollution. Unfortunately, State, local and Tribal air agencies—who run most of the Nation’s air quality monitoring system—continue to face budget shortfalls and many areas are operating with out-of-date monitors. Grant dollars provided under Section 103 and 105 of the Clean Air Act help fund air quality monitoring work, which informs the public of risks to their health and identifies areas in need of cleanup. Funds included under the American Rescue Plan and the Inflation Reduction Act were necessary to make some progress after years of underfunding, but are not a replacement for regular and dependable funding through the regular appropriations process so that air agencies can plan for multi-year, sustained investments in air monitoring. Both the National Association of Clean Air Agencies and the National Tribal Air Association conducted baseline needs assessments of their members to determine what would be needed to successfully implement programs under current and anticipated Federal requirements. The results showed that air agencies need increases if they are to adequately protect health by monitoring air pollution levels.^{2 3} Please provide \$500 million for State and Local Air Quality Management Categorical Grants and \$57.4 million for Tribal Air Quality Management Categorical Grants.

Provide \$162.1 million for Compliance Monitoring, \$391.4 million for enforcement and \$369.1 million for environmental justice efforts. Compliance with EPA’s air quality rules must be enforced to truly achieve the rules’ intended health benefits. Investment in EPA’s enforcement work is critical to ensure the public is protected from dangerous air pollution as the law requires. 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. Additionally, air pollution does not impact everyone equally. The Administration has tasked EPA with prioritizing righting environmental injustices. To do so effectively, EPA needs dedicated funding for environmental justice. Please provide \$162.1 million for compliance monitoring, \$391.4 million for enforcement and \$369.1 million dedicated for achieving environmental justice commitments.

Provide \$150 million for the Diesel Emissions Reduction Act and Support the Clean School Bus Program. The Diesel Emissions Reduction Act (DERA) Program continues to receive bipartisan support. While progress has been made, millions of old, dirty diesel engines are still polluting communities and causing lung cancer. According to a 2022 EPA report, the Committee’s continued investments in this program prove cost-effective, with monetized health benefits estimated to exceed Federal funding by a factor of 10. We urge the Committee to appropriate \$150 million in FY24. Additionally, we urge the Committee to continue supporting the rapid transition to zero emission school buses through the Clean School Bus Program. The program has proven very popular, with around 2,000 applications for the first round of rebate funding. Millions of children ride a bus to school, exposing them to pollution from these dirty diesel engines. Investing in the transition to zero-emission electric school buses will provide a safer, healthier environment for children, who are among those most at risk of health harm from breathing in pollution.

Provide \$5 million for EPA’s Radon Program and \$18 million for State Indoor Radon Grants. Radon is an odorless, colorless gas that seeps through the ground as it shifts and is the second leading cause of lung cancer in the United States. EPA’s radon program and its State Indoor Radon Grants are the only nationwide tools that help prevent exposure to radon. States and Tribes depend on these programs to educate the public and fight this deadly carcinogen. We recommend \$5 million for EPA’s Radon Program and \$18 million for the State Indoor Radon Grants. Additionally, we recommend that the Agency prioritize SIRG funding to States are seeking to adopt or strengthen certification requirements for radon measurement and mitigation workers.

²National Association of Clean Air Agencies Recommendations for FY 2024 Federal Grant Funding for State and Local Clean Air Agencies, October 2022 <https://www.4cleanair.org/wp-content/uploads/NACAA-FY-2024-Grant-Recommendations-adopted.pdf>

³National Tribal Air Association. Tribal Air Quality Priorities and the Resources to Address those Priorities: Key Findings of the National Baseline Needs Assessment Among American Indian and Alaska Native Communities, May 2022 <https://www.ntatribalair.org/wp-content/uploads/2022/06/5.5.22-NTAA-Baseline-Needs-Assessment-Key-Findings.pdf>

Oppose all policy riders. Lastly, the American Lung Association also asks for your leadership in opposing all policy riders that would weaken key lung health protections, including those in the Clean Air Act. Policy riders have no place in appropriations bills, and the Lung Association strongly opposes attempts to include them, especially riders that would make it harder to protect Americans from air pollution.

Investments in EPA programs are critical to protecting public health. On behalf of the Lung Association, I thank you for your consideration of these requests.

Sincerely,



Harold P. Wimmer,
President and CEO

PREPARED STATEMENT OF AMERICAN NUCLEAR SOCIETY

On behalf of the 10,000 men and women of the American Nuclear Society¹ (ANS), I am pleased to provide a recommendation for consideration in the subcommittee's FY2024 appropriations bill. The American nuclear community is grateful to the subcommittee for its continued support of the U.S. Environmental Protection Agency's (EPA) programs related to nuclear safety issues.

For thirty years, the EPA's generic regulation for geologic disposal of spent nuclear fuel and high-level radioactive waste (HLW) has not undergone a significant revision. The regulation is inconsistent with international approaches for repository public health and safety standards. Modern regulations in other countries focus on limiting radiation dose to individuals near a repository rather than attempting to protect the entire world's population through a set of radionuclide release limits. The nexus between the release limits in the current regulation and public health and safety is not readily apparent; as a result, the current regulation is ill-suited for instilling public confidence in effective regulatory oversight of a potential geologic repository.

As a practical matter, if EPA began work tomorrow it would be years before an updated generic repository regulation would be available. The nuclear power industry has stored spent nuclear fuel safely and securely at reactor sites for more than half of a century, and Nuclear Regulatory Commission analyses demonstrate that storage can continue indefinitely, but that is not a responsible approach for HLW management. The Federal Government has a statutory and contractual responsibility to manage and dispose of HLW, but its program has been at a standstill for more than a decade. Whatever approach Congress ultimately decides to pursue for HLW disposal, an updated generic repository regulation will be needed, and one can be developed without prejudicing any particular course of action. Moreover, it's also worth mentioning that any proposed geological repository site will need an appropriate regulatory standard early in the process to support interactions with nearby communities on the topic of long-term safety.

The bipartisan recognition of the need for advanced nuclear in Congress and the Administration in recent years should amplify the importance of starting work on an updated generic repository regulation as soon as possible. With several federally backed advanced nuclear power projects set to come online in the 2030 timeframe, the time is now to begin tackling the question, "what about the waste?" Sending a small signal to the American people that Washington is moving in a positive direction on HLW management to coincide with our country's advanced nuclear aspirations would be extremely beneficial.

Therefore, we recommend the subcommittee include \$2 million in FY24 for the EPA to begin work on an updated generic repository standard for HLW.

[This statement was submitted by Craig H. Piercy, Executive Director/CEO.]

¹The American Nuclear Society is the premier organization for those who embrace nuclear science and technology for their vital contributions to improving people's lives and preserving the planet. ANS membership is open to all and consists of individuals from all walks of life; including engineers, doctors, students, educators, scientists, soldiers, advocates, government employees, and others. ANS is committed to advancing, fostering, and promoting the development and application of nuclear sciences and technologies to benefit society.

PREPARED STATEMENT OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION

The American Psychological Association (APA) is the Nation's largest scientific and professional nonprofit organization representing the discipline and profession of psychology. APA has more than 146,000 members and affiliates who are clinicians, researchers, educators, consultants, and students. Through the application of psychological science and practice, our association's mission is to make a positive impact on critical societal issues across the States.

Many programs funded in the Interior, Environment, and Related Agencies bill provide essential support for our Nation's public health programs by helping to provide critical access to essential mental and behavioral health services to American Indians and Alaska Natives.

APA urges Congress to provide the following funding levels.

THE INDIAN HEALTH SERVICE

APA Services urges Congress to provide at least \$9.7 billion for the Indian Health Service (IHS). The IHS is currently funded at \$7.1 billion. The IHS provides Federal health services to American Indians and Alaska Natives (AI/AN). As the main Federal health care provider for AI/AN people, its main goal is to improve their health care to the highest extent possible. The agency provides a health service delivery system for approximately 2.6 million American Indians and Alaska Natives who belong to the 574 federally recognized Tribes.¹

Increased funding is essential for the IHS since this population has a lower life expectancy of approximately 5.5 years less than the U.S. all races population and often has a disproportionate disease burden compared to other populations.² For example, American Indians and Alaska Natives die at higher rates than other Americans due to intentional self-harm/suicide, chronic liver disease and cirrhosis, diabetes, unintentional injuries, and assault/homicide.³

COVID-19 also highlighted how AI/AN communities were especially vulnerable to COVID-19, partly due to the long-term inequalities, high rates of poverty, and high rates of underlying medical conditions within these communities. Now more than ever, it is essential that Congress continue to address the needs of the most vulnerable. If more resources are not provided, the substantial number of existing health needs for AI/AN will become even greater.

To effectively provide essential health care services, the APA requests that Congress fund the IHS at \$9.7 billion for FY 2024.

MENTAL HEALTH

Within the Indian Health Services, APA Services recommends \$164 million be allocated to mental health services. This program is currently funded at \$127.2 million. AI/AN communities often lack access to adequate health care, including behavioral health. Particularly striking are the suicide rates among adolescents and young adults in these communities. Suicide rates for AI/AN individuals between the age of 15 to 24 years old were 39.7 per 100,000, compared with the overall U.S. rate of 9.9 per 100,000. This rate is more than three and half times the suicide rates for males of all races in the age group. The suicide rate for AI/AN females in the same age group was lower than males at 20.2. per 100,000. However, this rate was still nearly six times the rate for females of all races.⁴ Furthermore, during 2015–2020, 3,397 suicides among AI/AN individuals and 179,850 suicides among non AI/AN were reported. About three quarters (74.6%) of AI/AN suicide decedents were under the age of 44, compared to less than half (46.5%) of non AI/AN decedents.⁵

Given the prevalent mental health concerns following COVID-19, mental health resources are even more critical now for all communities, especially those that have extensive histories of high rates of mental health concerns, such as American Indians and Alaska Natives.

¹ Indian Health Service, (October 2019). Indian Health Disparities. Retrieved from: <https://www.ihs.gov/newsroom/factsheets/disparities/>.

² Ibid.

³ Ibid.

⁴ U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, (2017). Suicide Clusters within American Indian and Alaska Native Communities: A review of the literature and recommendations. HHS Publication No. SMA17–5050. Rockville, MD. Retrieved from: <https://store.samhsa.gov/sites/default/files/d7/priv/sma17-5050.pdf>.

⁵ Stone, D., Trinh E., Zhou, H., Welder, L., End of Horn, P., Fowler, K., Ivey-Stephenson, A., (September 2022). Suicides Among American Indian or Alaska Native Persons- National Violent Death Reporting System, United States 2015–2020. Morbidity and Mortality Weekly Report 2022; 71:1161–1168. Retrieved from: <https://www.cdc.gov/mmwr/volumes/71/wr/mm7137a1.htm>.

Therefore, APA requests that Congress provide \$164 million for mental health services for the IHS to address the mental health needs of this community adequately.

ALCOHOL AND SUBSTANCE ABUSE

Within the IHS, APA Services requests at least \$309 million be allocated to alcohol and substance abuse programs. This program is currently funded at \$266.4 million. High rates of alcohol and substance abuse in AI/AN communities are well documented.⁶ This serious behavioral health issue has a strong impact on the health of individuals and families. AI/AN communities are much more likely to report past-year alcohol and substance use disorders than any other race.⁷

This population is also more likely to require alcohol use treatment than persons of any other ethnic group, with 1 in 10 in need of such treatment.⁸ These programs can be extremely helpful for individuals struggling with alcohol addiction. However, there is often a lack of availability of culturally sensitive treatment programs.⁹ The IHS is especially positioned to ensure such programs contain these culturally sensitive components in the treatment plans.

For these reasons, APA requests at least \$309 million for alcohol and substance abuse programs within the IHS.

INDIAN HEALTH PROFESSIONS

Within the IHS, APA Services requests \$94 million for the Indian Health Professions account. This program is currently funded at \$80.6 million. We emphasize the importance of having psychologists who are aware of the cultural sensitivities of this community and can best address this community's needs. The Indian Health Professions account includes the American Indians Into Psychology Program (INPSYC). The program's primary goals are to increase the number of AI/AN with doctoral degrees in psychology and enhance the cross-cultural understanding and competence of non-AI/AN about AI/AN psychology. Together, these aims will help ensure the development and maintenance of AI/AN psychology career recruitment programs to encourage AI/AN to enter the field of psychology.

More specifically, the program recruits and trains individuals to be psychologists. It also provides scholarships to individuals enrolled in schools of clinical psychology to pay tuition, books, fees, and stipends for living expenses. Additionally, the program seeks to engage directly with Tribal communities to provide greater exposure to the field of psychology. Finally, the program provides stipends to undergraduate and graduate students pursuing careers in psychology and training opportunities for psychology graduate students in Tribal communities.¹⁰

With the higher rates of suicide and other mental health concerns for this community, APA values the importance of increasing the number of AI/AN psychologists.

For these reasons, APA recommends \$94 million for the Indian Health Professions Account.

[This statement was submitted by Katherine B. McGuire, Chief Advocacy Officer.]

PREPARED STATEMENT OF AMERICAN RIVERS

My name is Tom Kiernan, I am the President and CEO of American Rivers. Since 1973, American Rivers has protected wild rivers, restored damaged rivers, and conserved clean water for people and nature. With headquarters in Washington, D.C. and 355,000 supporters, members, and volunteers across the country, we are the most trusted and influential river conservation organization in the United States, delivering solutions for a better future. On behalf of AR, I would like to thank Chairman Jeff Merkley, Ranking Member Lisa Murkowski, and Members of the subcommittee for your leadership to reduce pollution in rivers, improve clean water access, safeguard public drinking water supplies.

American Rivers is pleased to submit our full requests (see the full River Budget here and below) as part of the written testimony for the record. We address Depart-

⁶Indian Health Service, (October 2016). Behavioral Health. Retrieved from: https://www.ihs.gov/sites/newsroom/themes/responsive2017/display__objects/documents/factsheets/BehavioralHealth.pdf.

⁷Ibid.

⁸American Addiction Centers. (April, 2021). Risk of Alcoholism Among Native Americans. Retrieved from: <https://americanaddictioncenters.org/alcoholism-treatment/native-americans>.

⁹Ibid.

¹⁰Indian Health Service. American Indians Into Psychology Program. Retrieved from: <https://www.ihs.gov/dhps/dhpsgrants/americanindianpsychologyprogram/>.

ment of Interior and Environmental Protection Agency programs among others. Today, rivers across the country face daunting challenges on the road to recovery. From algal bloom in the Great Lakes to water scarcity in the Southwest, we must use every tool at our disposal to ensure healthy rivers have a fighting chance to bounce back. Our water supplies are at risk if we fail to fund these key programs that enhance our ability to improve river health and grow our economy. These topline figures are backed by our River Budget Partners, a partner network of over 150 partner organizations including utility and state agency associations, fishing groups, small businesses, rural communities, public health organizations, environmental justice leaders, and more. We respectfully request the following:

BUREAU OF LAND MANAGEMENT

- \$7.5 million for the Wild and Scenic Rivers Program
- \$51 million for the Threaten and Endangered Species (T&E) Program

ENVIRONMENTAL PROTECTION AGENCY

- \$7.6 billion each for the Clean Water and Drinking Water State Revolving Funds at U.S. Environmental Protection Agency
- \$225 million for the Low Income Household Water Assistance Program at EPA
- \$280 million for the Sewer Overflow and Stormwater Reuse Municipal Grants Program
- \$425 million for the Great Lakes Restoration Initiative
- \$92 million for the Chesapeake Bay Program
- \$50 million for the Indian Reservation Drinking Water Program
- \$200 million for the National Non-Point Source Management Program
- \$54 million for the Puget Sound Program
- \$100 million for the Reducing Lead in Drinking Water
- \$80 million for the Small & Disadvantaged Communities Drinking Water
- \$80.3 million for the Water Infrastructure Finance and Innovation Fund
- \$255 million for the Water Pollution Control (Sec. 106) Grant Program
- \$20 million for the Wetlands Program Development Grants

FOREST SERVICE

- \$24.7 million for the Threaten, Endangered, and Sensitive Species (T&E) Program
- \$100 million for the Legacy Roads and Trails (LRT) Program

FISH AND WILDLIFE SERVICE

- \$10 million for the National Fish and Wildlife Foundation
- \$7.6 million for the National Fish Habitat Action Plan
- \$30 million for the National Fish Passage Program at U.S. Fish and Wildlife Service
- \$8 million for the National Wetlands Inventory
- \$600 million for the National Wildlife Refuge System
- \$50 million for the North American Wetlands Conservation Fund
- \$100 million for the Partners for Fish and Wildlife Program at USFWS.

INDIAN HEALTH SERVICE

- \$250 million for Sanitation Facilities Construction

NATIONAL PARK SERVICE

- \$5.5 million for the Partnership for Wild and Scenic Rivers Program
- \$15 million for Rivers, Trails, and Conservation Assistance

U.S. GEOLOGICAL SURVEY

- \$150 million for the Groundwater and Streamflow Information Program
- \$100 million for the National Water Quality Program

IMPACT OF CUTS TO CRITICAL PROGRAMS HAVE CONSEQUENCES

We urge Congress to support robust and comprehensive funding for critical river health programs. Any reductions or cuts on a significant scale as proposed by the House would have damaging and detrimental impacts to our Nation's river systems and communities. In the arid Southwest region, which currently is experiencing severe drought, deep reductions to DOI and EPA programs undermines our ability to increase water supply and finance resilience projects in the Colorado River Basin, make drought preparedness and response effective across the West, and limits funding for dam and reservoir operations, and enhancements.

The impact will be severe to underserved communities if the House proposal is enacted. Shrinking and smaller budgets in FY24 would greatly reduce the support for Tribal Nations—these communities have historically been underfunded and struggle keep their communities safe from natural disasters or fight climate change without the resources and technical assistance needed on the ground. Furthermore, these cuts can disrupt access to our National Parks including the National Wild and Scenic Rivers System which protects more than 13,000 miles of 226 rivers in 41 States and the Commonwealth of Puerto Rico.

Reductions mean rolling back meaningful progress and hampering efforts to restore and protect water bodies of national significance. Key geographic programs under EPA like those focused on the Gulf of Mexico, San Francisco Bay, Chesapeake Bay, Puget Sound, and the Great Lakes to name a few, if cut, can delay, slow, or stop economic activity and growth brought by tourism, hunting, fishing, and other recreational opportunities each region supports. In fact, outdoor recreation contributed \$454 billion to the Nation's gross domestic product (GDP)—roughly two percent which three times the size of oil and gas development and twice the size of motor vehicle manufacturing and air transportation. This is not the time to jeopardize jobs in river restoration and the water workforce. As you write the next appropriations bill, we ask that you make robust investments to these river health programs.

WATER INFRASTRUCTURE REQUIRES SIGNIFICANT AND SUSTAINED INVESTMENTS

Millions of Americans lack access to clean water. Decades of inadequate or insufficient funding has deferred maintenance to key projects and has pushed the Nation's water infrastructure to the brink of collapse. In February of this year, a train loaded with toxic chemicals derailed in East Palestine, Ohio, igniting a fire and forcing the release of vinyl chloride, a known carcinogen, into the atmosphere. This accident caused economic disruptions and killed thousands of fish in nearby streams and triggered concerns over the resident's surface, ground, and well water.

In September 2022, residents of Jackson, Mississippi were without clean drinking water after heavy rain caused a major pump at the city's main water treatment facility to fail. A boil water advisory issued then is still in effect in certain parts of Jackson today. Across the country we are seeing aging stormwater and wastewater systems, and deteriorating sewer pipes. In West Baltimore, *E. coli* bacteria contaminated the water, a crisis again that blamed aging water treatment infrastructure. Aging water infrastructure is a serious threat to water quality. Congress must do more to fund our vital water systems to protect public health.

Overwhelmingly, 95% of Americans think protecting water in our Nation's lakes, streams, and rivers is important. But the House's proposed budget fails to fully or appropriately address the dire need to make significant and sustained investments possible in water infrastructure.

SUPPORT ADDITIONAL FUNDING TO REMOVE BARRIERS FOR FISH MIGRATION

Barrier removal projects bring life back to degraded rivers. Projects can provide fish passage, improve water quality, restore habitat, eliminate the release of the methane (a powerful greenhouse gas) from stagnant water, and reduce the production of cyanobacteria and harmful algae. But barrier removal benefits extend beyond fish and other aquatic species. Many projects provide a measure of Tribal justice as many dams were built without adequate consideration of Tribal culture and food sources. In addition, roughly 70% of the more than 91,000 dams in the country are reaching their design lives and dangerous dam failures are becoming more common. In addition, more than 1,400 people have died in the dangerous flow patterns that develop downstream of low head dams. Funding priorities set by Congress must work to reduce the drowning deaths at low head dam sites.

The Infrastructure Investment and Jobs Act (IIJA) has highlighted a tremendous need for assistance with barrier removal projects. Despite a significant investment of Federal dollars, resource agencies have received more proposals than can be funded. Along with a growing number of barrier removal projects completed over the last

two decades, the IJJA response demonstrates the need for increased long-term sustainable funding for projects. It also demonstrates a need for increased U.S. Fish & Wildlife Service staff to administer grants, provide technical assistance, and provide regulatory review to make these projects possible.

INCREASE FEDERAL FUNDING AND TECHNICAL ASSISTANCE TO PROTECT FREE-FLOWING RIVERS

There is also a need for technical assistance funding to be distributed to the Tribes and non-profit organizations who develop projects, provide technical assistance, and manage projects to take them from inception to completion.

As one example, the Eastern Band of Cherokee Indians are working together with American Rivers and Mainspring Conservation Trust, to remove the Ela Dam from the Oconaluftee River in Whittier, North Carolina. For nearly 100 years, the dam has fragmented the river and prevented an important Tribal food source, the Sickletfin Redhorse, from moving into Tribal territory. If funded, the land around the dam will be transferred to the tribe. Removing the Ela dam has many benefits, including the advancement of environmental justice for the Cherokee people, biodiversity protection and restoration of declining species, and climate change adaptation. The project will proceed with the full consent of the dam owner if the project is fully funded. The project team submitted a \$10 million request to the U.S. Fish & Wildlife Service National Fish Passage Program and is awaiting a response for the funding and the agency's technical assistance.

ENHANCE WILD AND SCENIC RIVER PROTECTIONS

The upcoming planning processes, especially across National Forests and Bureau of Land Management planning areas, offer an opportunity for the agencies to come into compliance with planning requirements, but adequate resources, staff and training rivers must be provided. The number of staff dedicated to Wild and Scenic Rivers at all levels (especially the field level) has declined dramatically over the past 25 years leaving the agencies understaffed and often unable to meet statutory requirements.

The areas of largest need to meet statutory and administrative requirements are:

- Increased field presence to assure active management for designated and eligible rivers;
- Increased field presence to assure proper planning during Resource Management Planning as required by the Wild and Scenic Rivers Act and under planning guidelines;
- Wild and Scenic Rivers management and planning training for field staff;
- Development of active public-private partnerships for Forest Service Wild and Scenic Rivers;
- Support for participation in the Federal Interagency Wild and Scenic Rivers Coordinating Council.

Along with adequate funding we encourage you to institute transparency and accountability by creating a sub-category line items for the Wild and Scenic Rivers programs within the Forest Service, Bureau of Land Management, and National Park Service's budgets to better track performance. Currently, it is challenging to determine from any readily-accessible public or internal document the annual funding expenditures for Wild and Scenic Rivers within these agencies larger budget category. Without true accountability it is difficult to measure results and to apply limited resources appropriately to meet the agencies' statutory mandates.

CONCLUSION

We need continued and sustained water infrastructure investments to address severe drought, and dwindling clean water supplies. Congress can ensure that our rivers and our communities not only survive, but thrive. In FY24, we ask that you support these funding priorities and exclude any anti-river policy provisions from the appropriation process because our lives depend on the health of our rivers. Thank you very much for this opportunity to provide testimony. For additional information, please contact Jaime D. Sigaran (jsigaran@americanrivers.org) or Ted Illston (tillston@americanrivers.org) of America Rivers.

[This statement was submitted by Tom Kiernan, President and CEO, American Rivers.]

PREPARED STATEMENT OF AMERICAN RIVERS

RIVER BUDGET: NATIONAL PRIORITIES FOR HEALTHY RIVERS AND CLEAN WATER (FY24)

Water flowing in our streams, rivers, and creeks is a precious resource: It comprises two-thirds of our drinking water and is critical to the health of our communities. Rivers also serve as critical habitats for fish and wildlife. Plus, rivers sustain our economies, connect our communities to nature, and buffer our cities and towns against the worst impacts of climate change. Tragically, many rivers nationwide are polluted, dammed, and degraded, and most of the Nation's water infrastructure is in a State of disrepair. With recent investments from the bipartisan infrastructure law and the Inflation Reduction Act, now is the time to ensure these much-needed funds are directed to clean water and river restoration projects that improve the lives and climate resiliency of people in rural and urban areas—and particularly Communities of Color and Tribal Nations, who are disproportionately impacted by water pollution, droughts, floods, and environmental degradation.

We must ensure Federal agencies have the tools, resources, technical assistance, and capacity they need to solve today's complex water challenges. Federal investment in efforts including natural infrastructure and river restoration can make rivers healthier and water cleaner for everyone.

The Fiscal Year 2024 River Budget outlines recommended Federal priorities for agencies, including the Department of Interior, Department of Agriculture, National Oceanic and Atmospheric Administration, and Environmental Protection Agency, to promote climate-smart agriculture practices, improve water infrastructure, restore watersheds, modernize flood management, and support dam removal and rehabilitation. The River Budget spotlights needs in five key categories:

Promote climate-smart agriculture: Innovative conservation practices on farms and working lands can regenerate ecosystems, improve irrigation, and bolster agriculture. Yet water shortages are becoming increasingly common due to less rainfall, resulting in historic droughts. In 2022, the Mississippi River dropped to record-low water levels. In the Southwest, farmers, ranchers, and landowners are experiencing the most extreme drought in more than a millennium. In the Fiscal Year 2024 appropriations process and upcoming Farm Bill, Congress and the Administration must prioritize climate-smart agriculture to support rural communities, and a critical sector of our economy.

Restore watersheds: From the Great Lakes to the Chesapeake Bay, watersheds are essential to keeping ecosystems healthy and functioning as nature intended. These lands naturally store water, filter pollution, sequester carbon, control erosion and sediment, and provide habitats for wildlife. These natural services help strengthen communities in the face of climate change, and can buffer us against severe floods, droughts, and fires. Healthy watersheds also provide recreation benefits, including fishing, boating, swimming, hiking, biking, and wildlife watching. In 2020, hunters and anglers contributed \$149 billion to the National economy, supported 970,000 jobs, and created over \$45 billion in wages and incomes.

Modernize flood management: Inland and coastal communities need relief as environmental pressures and natural disasters including hurricanes and floods, threaten people and property. Nearly 41 million people live in flood-prone areas. Our nation needs to continue investing in flood-management solutions that protect communities and safeguard rivers. We call on Congress and the Administration to implement nature-based solutions to managing watersheds, floodplains, wetlands, and other water sources. This includes better coordination and use of modern mapping technology to produce maps that inform communities about flood risk, improve land-use management, and help them better prepare for extreme weather.

Improve water infrastructure: Our nation's water infrastructure is essential to providing safe, reliable, affordable clean water. It is vital to public health, and to ensuring clean, healthy rivers. Every dollar invested in water infrastructure generates \$2.20 in economic activity. Yet decades of underfunded and deferred maintenance has pushed the Nation's water infrastructure to the brink of collapse. Many cities hold, treat, and deliver water using pumps and pipes that are more than 100 years old. Older water systems contain bacteria, lead, and other hazardous chemicals, which exposed thousands to untreated water in Flint, Michigan, and Jackson, Mississippi. We must avoid humanitarian disasters by securing significant water infrastructure investments that protect the health of people and rivers.

Remove and rehabilitate dams: Removing dams and improving dam safety can restore natural functions of rivers, help fish and wildlife species recover, create jobs, and increase our communities' resilience to droughts and floods. Dams disrupt the natural ecosystem by impacting water quality, cutting off migration routes, isolating habitats, and destroying fish spawning grounds. Some dams pose serious public

safety risks. Prioritizing funding to remove, rehabilitate, and/or retrofit dams is the best way to bring life back to damaged rivers and protect communities.

These Federal spending priorities in the Fiscal Year 2024 River Budget are a critical defense against the impacts of climate change and water pollution. The annual Federal spending process charges Congress to work with the administration and focus on investments that are key to restoring rivers, from remote mountain streams to urban waterways. Taken together, these investments will improve public health and safety, boost climate resilience, deliver economic benefits, and improve agency programs that are responsible and responsive to meeting community needs.

[This statement was submitted by Jaime D. Sigaran, Associate Director and Ted Illston, Vice President, Policy and Government Relations.]

PREPARED STATEMENT OF THE ANIMAL WELFARE INSTITUTE

The Animal Welfare Institute, a national nonprofit animal welfare advocacy organization, asks the subcommittee to provide adequate funding levels for crucial wildlife programs and to include measures to protect at-risk species.

WILD HORSES AND BURROS (BLM & FS)

The BLM, which oversees the vast majority of America's wild horses and burros, continues to mismanage herds, relying on an endless cycle of costly removals from public lands instead of implementing immunocontraceptive vaccines to control fertility rates and manage these federally protected animals on the range. Under its current plan (based on the BLM's May 2020 report to Congress), the BLM has called for accelerated removals at a cost of roughly \$900 million in the first 5 years alone. In FY22, the BLM removed a staggering 20,193 wild equines. And while the agency spent over \$95 million during this same period on removals and holding, it has historically spent less than 1 percent of its annual WHB program budget on fertility control. We ask the subcommittee to again include a directive for a minimum of \$11 million within the BLM's existing WHB program budget to go towards the administration of proven and safe immunocontraceptive vaccines—specifically the widely supported porcine zona pellucida (PZP) vaccine, as per the National Academy of Sciences recommendation. Moreover, we strongly support the continued inclusion of provisions to ensure that both BLM- and U.S. Forest Service-managed wild equines cannot be destroyed for commercial purposes in order to protect these animals from slaughter, as well as language preventing the destruction of healthy, unadopted wild horses and burros.

Lastly, in recent years, the BLM has pursued attempts to manage wild horses via a risky and invasive surgical procedure known as “ovariectomy via colpotomy,” which involves blindly locating the ovaries and severing them using a rod-like tool while the animal remains conscious. In its report on wild horse management, the NAS explicitly warned the BLM against using this procedure due to the risks of serious complications. Numerous lawmakers in the House and Senate have criticized the BLM's plans to ovariectomize horses and national polling shows overwhelming opposition to this procedure. We ask the subcommittee to include language barring the use of Federal funds to conduct ovariectomies on wild horses and burros so that taxpayer dollars can be directed towards cost-effective, safe, and humane fertility control methods such as PZP.

ENDANGERED SPECIES ACT IMPLEMENTATION (FWS)

We ask the subcommittee to appropriate \$841.3 million across five programs to the US Fish and Wildlife Service (FWS) for the purpose of Endangered Species Act (ESA) implementation:

- \$66.3 million for Listing
- \$467.9 million for Recovery
- \$179.3 million for Planning and Consultation
- \$10.15 million for Candidate Conservation in Conservation and Restoration
- \$117.7 million for the Cooperative Endangered Species Conservation Fund (CESCF)

Implementation of the Endangered Species Act (ESA), our Nation's most effective law for species conservation, has been severely underfunded for years. The Fish and Wildlife Service requires a budget of \$841.3 million across five programs to begin to make up for lost ground and put species on the path to recovery. As we face a worsening biodiversity crisis, this funding package will better allow FWS to imple-

ment the ESA in the way Congress intended when it dedicated our country to protecting the most imperiled species and habitats.

The funding levels requested above would help FWS process the backlog of approximately 200 species on the National Listing Workplan that still need to be reviewed for protections under the ESA, with more species petitioned for inclusion under the ESA every year. It would also be put toward developing recovery plans for the approximately 25% of species currently without plans and revising the 890 recovery plans that are now over two decades out of date and may no longer contain the best available science.

In addition, the above funding levels would provide much-needed resources for maximizing the efficacy and efficiency of FWS consultations with other Federal agencies, States, counties, and private landowners, as well as implementing early conservation actions that keep species from ever reaching the brink of extinction. Finally, the CESCO serves as an essential source of funding for States and private landowners, making it a crucial tool for cooperative conservation.

TROPHY HUNTING (FWS)

We urge the subcommittee to include language prohibiting the use of funds by the FWS for the issuance of any permit authorizing the importation of a trophy-hunted elephant or lion trophy.

African elephant and lion populations in many nations have undergone steep declines in recent years. African elephants and lions are both listed under the Endangered Species Act (ESA), demonstrating a scientific need for heightened protections. Between the early 20th century and 2016, the number of elephants in Africa plummeted from 3–5 million to approximately 400,000. In 2021, the IUCN Red List reassessed the African savanna elephant as endangered, meaning it faces a very high risk of extinction in the wild. African lion populations declined by 43 percent from 1993 to 2014. The subspecies *Panthera leo melanochaita*, comprising the lions of east and southern Africa, is listed as threatened under the ESA, with only 17,000–19,000 remaining.

The U.S. Fish and Wildlife Service (FWS) has responded with a series of vacillating trophy-import policies, calling into question the degree to which the agency had evaluated whether lion and elephant trophy imports enhanced the survival of the species, as required under the ESA. Presently, FWS policy is to issue permits for lion and elephant trophy imports based on a case-by-case review of each application's enhancement finding requirements, rather than the former approach of having rules that applied to each species within each country of origin. Congress in its FY20–23 appropriations packages directed FWS to reevaluate the current policy and analyze how targeted investments and technical assistance to these countries would impact elephant and lion survival, improve local communities, and sustain species populations. FWS has failed to report back to Congress.

In light of these conservation concerns, as well as the lack of assurance that FWS is adhering to the ESA's legal requirements, no funds must be provided for the issuance of permits for import of elephant and lion trophies.

TRAPPING (FWS)

We urge the subcommittee to allocate \$300,000 to the FWS to institute a 3-year pilot program that replaces the use of body-gripping traps (Conibears, legholds, and snares) on National Wildlife Refuge Service land by agency personnel with non-lethal methods and equipment. Furthermore, we hope the subcommittee will encourage the FWS to continue reviewing and updating both physical trapping signage and trapping information posted on the website, and continue providing trapping information to the subcommittee on an annual basis. In addition, for each refuge listed online as allowing trapping, the FWS should specify whether the trapping is conducted by private trappers for recreational/commercial purposes and/or by government personnel for management purposes.

Furthermore, the pilot program language builds upon FY22–23 report language directing the FWS to conduct an evaluation of trapping practices by Federal personnel on Service lands, including an analysis of non-lethal alternatives to trapping. Given that FWS has not briefed the Committee on its findings, this request includes a directive to begin a pilot program to replace body-gripping traps with non-lethal methods for wildlife management purposes.

The use of body-gripping traps by Federal personnel violates the mission of the National Wildlife Refuge System and is a threat to the safety of wildlife, humans, and pets. The purpose of these protected lands is clear: to be an inviolate sanctuary for native wildlife.

Body-gripping traps, such as snares, Conibear traps, and steel-jaw leghold traps, are inhumane and inherently nonselective. The nontarget animals caught in these traps include threatened and endangered species, as well as family pets. Refuges are a very popular destination; the National Wildlife Refuge System attracts more than 61 million visits every year. Additionally, many wildlife refuges are either close to or reside in urban areas. These traps are not an appropriate tool for wildlife management on national wildlife refuges where families enjoy spending time outdoors, and where anyone who trips a trap can become a victim.

Nonlethal methods are often highly effective and FWS personnel would be serving both wildlife and outdoor recreation interests-such as hiking and nature photography, which account for approximately 86% of total recreation-related expenditures on refuges-by prioritizing their use.

BEAVER CONFLICT MITIGATION (FWS)

Across the country, thousands of beavers are trapped, snared, and shot each year in an effort to prevent damage caused to property by beaver activity. However, this killing is often unnecessary due to the availability of cost-effective, nonlethal devices that can successfully prevent such damage. For example, trees can be shielded by encircling them with wire mesh fencing or coating their trunks with a mixture of paint and sand that deters beavers from chewing. Roads, agricultural resources, and other property can be protected from flooding by installing water flow control devices, which allow enough water to pass through a beaver dam to avoid flooding while ensuring sufficient pond depth for beaver use, thus maintaining acceptable water levels.

Restraining traps and snares used to capture and kill beavers can cause prolonged pain and unintentionally injure and kill nontarget animals. They are also rarely, if ever, a long term-solution; beavers dispersing in search of suitable habitat can quickly recolonize trapped areas. By contrast, flow devices can provide long-term relief and typically last 10 years before they need to be replaced. Nonlethal measures to mitigate beaver conflicts are effective, cost-efficient, long-lasting, and ecologically beneficial. These devices can protect transportation infrastructure, buildings, agricultural lands, and other property. Despite these benefits, no Federal programs currently exist to promote or facilitate the use of these techniques.

We urge the subcommittee to recognize the ecological benefits beavers provide to landscapes and ecosystems across the country by providing \$3,000,000 to the Fish and Wildlife Service to institute a pilot program to provide grants to eligible entities for projects that seek to use nonlethal measures to achieve a reduction in damage to roads, railroads, bridges, buildings, airports, levees, dams, agricultural resources, trees, or other public or private property caused by beavers. Eligible entities are: States, Tribes; state, Federal and Tribal agencies, local governments, nongovernmental organizations, and landowners who have sustained property damage due to beaver activity in conjunction with one or more of these entities. Nonlethal measures are those that are not designed to grip, trap, relocate, injure, or kill beavers. Nonlethal measures include, but are not limited to, fencing and paint-sand mixtures used to protect trees, and water flow control devices used to prevent flooding and maintain beaver ponds at acceptable levels. To document the progress of this program, FWS should be encouraged to submit a report to the subcommittee describing activities under the pilot program each fiscal year.

PRESCOTT GRANT PROGRAM (FWS)

We urge the subcommittee to provide no less than \$2,000,000 for the John H. Prescott Marine Mammal Rescue Assistance grant program. The Prescott Program, led by the FWS, provides funding to eligible stranding network participants assisting stranded sea otters, manatees, Pacific walruses, and polar bears. Congress began to allocate funds to the FWS in fiscal year 2019 to implement the program. To date, the FWS has awarded \$3.1 million in funding to conservation organizations and State agencies through the Prescott Grant Program. In fiscal year 2023, \$2,300,000 was allocated towards this program. Given the rising number of strandings and the importance of marine mammals to the health of ocean ecosystems, at least \$2,000,000 in funding is requested.

[This statement was submitted by Nancy Blaney, Director, Government Affairs, Animal Welfare Institute.]

PREPARED STATEMENT OF THE APPALACHIAN TRAIL CONSERVANCY

On behalf of the Appalachian Trail Conservancy (ATC or “Conservancy”), I submit this request to increase the annual Operation of the National Park Service (ONPS) appropriation for the Appalachian National Scenic Trail (ANST, A.T., or Trail), a unit of the National Park Service (NPS) within the Interior, EPA, and Related Agencies appropriations bill. The current level of ONPS appropriations for the Trail, \$2.023 million, is insufficient to fulfil the NPS obligations under the National Trails System Act (NTSA), relevant NPS-related statutes, and the cooperative agreement with ATC. We believe a budget of \$3.5 million is necessary to meet the needs of the Trail. Particularly as our Nation responds to the ballooning interest in outdoor recreation and upgrading our hard infrastructure, the current staffing and financial support for the Trail’s park staff is increasingly incompatible with modern needs. Furthermore, combating invasive species and managing our public lands for biodiversity and connectivity are imperative; with the A.T., continued underinvestment could be catastrophic. We are grateful for the incremental increases Presidents Trump and Biden have granted, as well as Congress’ continued support therefore. Additional funding remains needed.

The Conservancy is the §501(c)(3) nonprofit organization responsible for developing the Appalachian Trail and leading the Trail’s Cooperative Management System, which joins the Federal Government, the governments of 14 States, 30 Maintaining Clubs (Clubs), and local and non-profit partners in caring for our iconic long trail. Our position with the Trail, outlining the vision of a continent-spanning footpath, began in 1925 and is currently formalized under a cooperative agreement with the National Park Service (NPS). We work on daily basis with our partners in the NPS’ dedicated park office for the Trail (APPA), as well as our partners at the USDA Forest Service (USFS), who are the local Federal land manager for nearly half of the Trail’s miles and conserved “Corridor.” Because of our unique role in the Federal public lands system-as shoulder-to-shoulder NGO co-manager-we are particularly qualified to offer perspective on how the park should be funded and operate. Specifically, because the park office funded by ONPS exists to do the inherently governmental work ATC, as an NGO, cannot do.

Currently, the NPS office that administers the Trail has 10 fulltime-equivalent employees (FTEs), supporting approximately 40 Conservation-related staffers at ATC, who in turn supported 4,768 volunteers in 2022 (contributing a total of 170,904 labor hours equivalent to \$5,118,575 in labor costs). The \$2.023 million ONPS allocation is not tied to any discernable metrics, such as size of the park, projected visitation, facility asset portfolio, natural resource value, or overseeing the public-private partnership that is the Cooperative Management System. The ONPS base budget is mostly consumed by staff salary and benefits, preventing project work or things that are, under the Service-wide calls, very difficult to fund except through a unit’s ONPS allocation, specifically: providing visitor and park protection (including law enforcement to uphold the boundaries from illegal encroachments and provide public safety); processing environmental compliance documents (such as required by NEPA) and; overseeing (if not funding) resource management work. Visitor and park protection, compliance, and oversight, are the inherently governmental and “non-delegable” responsibilities of the ANST’s “trail administrator” in APPA.

The current, and reasonable, needs of the unit are more than the current cooperative management partners can support given the legal division of responsibilities. Comparatively, NPS units with far smaller acreage to manage and far less complex obligations and programs receive relatively much larger base budgets, including the 16-acre Springfield Armory with a base budget of \$1.5 million; the 968-acre Appomattox Court House with a base budget of \$2.104 million; and the 16-acre Fort Stanwix with base budget of \$1.6 million.

Visitor and Park Protection (VPP)/Law Enforcement: The law enforcement and coordination needs of the Trail are significant considering the ANST spans 14 States and 88 counties. These responsibilities can be broken down roughly into two categories: individuals threatening safety (criminal) and encroachments (civil). Both are commonly referred to as “incidents” and “incident response” is the general term used to mean “responding to potential harm to the legal rights of the Trail and its users.” Criminal incidents on the Trail posing a significant threat to public safety are, thankfully, rare. Much more common are civil incidents/encroachments. The ANST itself includes over 2,000 fee tracts, containing 108,000 acres of lands with over 1,200 miles of exterior boundary line which is maintained and monitored by ATC staff and staff-coordinated volunteers. Roughly 50 new encroachment violations are discovered each year, with 10% of those being severe in nature. Approximately 430 known (ATC-identified) ANST boundary violations have occurred over the past

decade, many of which still remain unresolved. Examples of severe and ongoing encroachment issues include large-scale timber and resource theft, widespread ATV use, construction of building, homes, pools and patios, and waste dumping. It is the legal responsibility of the NPS to address these encroachments, something unpracticable with its current ANST law enforcement (LE) staffing of two FTEs. More than 50% of the Trail by mile and acreage lacks a full-time NPS presence.

The current-and preferred-management of the Trail places the Chief Ranger duty stationed at the Trail's administrative headquarters in Harper's Ferry, WV and the one FTE split between the ANST and BLRI (Blue Ridge Parkway) in southern Virginia, serving that region, and one FTE split between the ANST and GETT (Gettysburg National Military Park) serving that immediate region. For the NPS-managed Trail miles north of Harrisburg, the ANST relies on less formal staff sharing. ATC advocates for replicating the staff-sharing model across the mid-Atlantic and northern stretches of the Trail, stationing six individuals, working 50% time on the ANST, in Maine, New Hampshire/Vermont/Massachusetts, Connecticut/New York, New Jersey/Pennsylvania, Pennsylvania/Maryland, and West Virginia/Virginia. Additionally, ATC staff and volunteers routinely assist in responding to Trail incidents and manage relationships with local communities, requiring training and support. Increasing VPP staffing on the Trail will improve the NPS' ability to connect to rural communities and safeguard the increasingly manifest desire of the public to recreate on our public lands, as well as promote information sharing between land managers and law enforcement officials.

Resources Management: The majority of the management of any National Park System unit is the proper administration of natural and cultural resources and minimizing impacts from visitors. The ANST currently splits coordination for both these buckets between one FTE when at least two, and preferably three FTE, are warranted. Regarding natural resources, ATC staff and volunteers are responsible for all Trail-related maintenance as well as the stewardship and restoration of the Trail corridor lands as quality habitat for flora and fauna. The ANST's length (spanning 12° of latitude in the temperate zone), north-south alignment, and changes of over 6,500 feet in elevation and the numerous peaks and ridges along the Appalachian Mountain chain create its topographically diverse landscape, protecting very high habitat diversity and connectivity while providing for a unique recreation experience. It is an important landscape in the eastern U.S. that offers large-scale continuity and important climate refugia, increasingly vital attributes in the highly developed and increasingly taxed eastern public land network. The ANST is one of (if not the most) biodiverse units of the National Park System. Except for the aforementioned FTE at the ANST, the majority of the funding for natural resources management is provided by individual and charitable foundation giving. Remarkably, there is no biologist or ecologist staffed to APPA.

The A.T. is uniquely situated to serve as a barometer for the air, water, climate and biological diversity of the Appalachian Mountains and much of the eastern United States, which is what makes it an attractive place to explore scientific questions. The ANST leadership in APPA, ATC, and the USFS, has clearly identified the need for sound scientific baselines and trend information on environmental and resource conditions to inform adaptive management and stewardship activities. However, current capacity does not allow APPA to even entertain proposals from educational institutions and research entities seeking permission to use the ANST as a study area. Each year, requests for scientific analysis, evaluation and monitoring within the A.T. corridor, submitted through the NPS Research Permit and Reporting System, go unanswered and un-permitted. Each of these unfilled research requests is a missed opportunity for stronger science and informed A.T. management.

In terms of its "facility assets," or hard infrastructure, the ANST has one of the largest portfolios in the National Park System, unsurprising given that each foot of treadway, every rockbar, staircase, bridge, shelter, and privy (to name some examples) are classified as facility assets. The park's portfolio includes not simply hard infrastructure designed to realize the purpose of the park as recognized in its Comprehensive Plan, but many incidentally acquired structures which have outlived their usefulness or are no longer viable as park assets. Additionally, ensuring proper marking for the approximately 4,500 miles of boundaries-particularly the 50 percent thereof that is not surrounded by National Forest System land-is essential to maintain the integrity of the unit. ATC estimates approximately \$1.6m worth of improvements to land records are needed, including placing boundary markings or conducting land surveys never undertaken. Managing the hard infrastructure of the park is one of the best-funded aspects of park management, due to the structuring of Congressional appropriations and the structure of the Service-wide calls (although removing hard infrastructure that is no longer desired is more difficult to fund), but if the Department failed to survey land upon acquisition, funding a sur-

vey comes out of the unit's base ONPS allocation. APPA's ONPS allocation does not reflect its facility asset portfolio or resource management needs.

Compliance and Oversight: APPA staff depend on ATC staff and other cooperative management partners to collect information required for the completion of National Environmental Policy Act compliance for all treadway and Corridor related work. ATC staff are generally responsible for the completion of impact assessments, field monitoring and coordination with state Natural Heritage and wildlife offices. The development of these evaluations-as well as review of research permit and special use permit applications-must be signed off on by APPA staff. They are not necessarily onerous, but given the size of the park, there are a lot of them. For compliance under section 106 of the NHPA, APPA staff cannot delegate its obligations to ATC. Additionally, closer coordination with State and Tribal offices of historic preservation will further the ability of the ANST to address extant compliance demands as well as build the capacity to perform government-to-government consultations with the identified Native nations with ancestral and/or reservation lands along the Trail. NPS staff cannot delegate to ATC government-to-government consultation or compliance responsibilities.

Although much of the work that occurs within the bounds of park management is performed by ATC and Club members, APPA is responsible for overseeing all of the work of the cooperators. Close supervision is not needed-the expert, dispersed management and maintenance corps of the ANST operates so successfully in part because of cooperator independence-but oversight of cooperators is an essential function of APPA. Oversight includes ensuring the Visitor-in-Parks program is effectively administered and that required certifications and trainings are up-to-date. There must be sufficient oversight capacity at APPA, including staffing at least one individual beyond the superintendent who is responsible for the breadth of responsibilities captured in our Comprehensive Plan and in our cooperative agreement. ATC cannot provide the necessary oversight of itself that the Cooperative Management System requires.

The ANST is an incredible public resource. It is also incredibly poorly funded by the NPS. In terms of its management system (the first federal-NGO partnership park in the U.S.), its footprint (connecting eight national forests, six other park units, two national wildlife refuges, and 78 state-conserved units), its visitation (estimated at over four million annually), its accessibility (a fee-less park within an eight-hour drive of half of the U.S. population), and its presence in the (inter)national consciousness. (the most famous hiking trail in the world), it is because of the strength of the Cooperative Management System that has made the park what it is today. ATC can neither perform nor fund essential park functions for the ANST, specifically APPA. The NPS is responsible for ensuring proper staffing to meet the non-delegable obligations of park management. In terms of size, the ANST has more NPS-administered acreage than Biscayne, Voyageurs, or Zion National Parks. In terms of boundary mileage, it is second in the National Park System only to Wrangell-St. Elias National Park. The Trail's normal visitation is now estimated at 4 million or more annually, placing it 18th in visitation within the System-higher than Grand Teton or Yosemite National Parks. It is physically present in 14 States-more than any other in the System. APPA deserves an ONPS base allocation more in line with these attributes, which will allow for this public-private partnership to operate even more productively.

[This statement was submitted by Brendan Mysliwiec, Director of Federal Policy and Legislation Appalachian Trail Conservancy.]

PREPARED STATEMENT OF THE ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

The Association of Air Pollution Control Agencies (AAPCA)¹ thanks this subcommittee for the opportunity to provide input on Fiscal Year (FY) 2024 appropriations for the U.S. Environmental Protection Agency (EPA). AAPCA's State and local air agency members are co-regulators with U.S. EPA, responsible for implementing Federal Clean Air Act (CAA) rules in their jurisdictions.² As FY 2024 appropriations are developed, AAPCA asks that funding directed to air agencies, including State

¹AAPCA is a national, non-profit, consensus-driven organization focused on assisting State and local air quality agencies and personnel with implementation and technical issues associated with the Federal Clean Air Act. Created in 2012, AAPCA represents 48 State and local air pollution control agencies, and senior officials from 21 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of The Council of State Governments. More about AAPCA is at: www.cleanairact.org.

²AAPCA, State Air Trends & Successes: The STATS Report, May 2023.

and Local Air Quality Management Grants under CAA Sections 103 and 105, be adjusted for historic CAA obligations as well as the mounting number of significant and substantive regulatory actions³ from U.S. EPA that will further impact already strained resources.

Congress provided a total of \$4.48 billion for State and Tribal Assistance Grants (STAG) in the Consolidated Appropriations Act of 2023 (H.R. 2617), which was signed into law on December 29, 2022.⁴ Nearly \$128 million above the FY 2022 enacted level, Congress continued a steady trend of annual increases directed to state, Tribal, and local environmental agencies through STAG, with FY 2023 appropriations nearly 32 percent above FY 2013. Though under the STAG program, State and Local Air Quality Management Grants, which provide important support to air agencies charged with protecting air quality and public health, have not seen a similar appropriations trajectory. With virtually no change in enacted funding levels from FY 2014 through FY 2020, incremental increases beginning in FY 2021 brought the FY 2023 appropriated amount to just under 11 percent above FY 2013.

State and local air agencies utilize funding from these grants judiciously by strategically deploying resources, creating efficient programing and best practices, and relying on leadership and staff that are dedicated public servants. Through technically complex and resource intensive activities, agencies with delegated CAA authority:

- Develop and update state implementation plans (SIPs) to attain/maintain National Ambient Air Quality Standards (NAAQS) and improve visibility under the Regional Haze Program;
- Serve as the Nation’s primary air quality monitoring entities, manage emissions inventories, and perform photochemical and air dispersion modeling;
- Implement Federal rules and standards for hazardous air pollutants;
- Review, issue, and enforce air quality permits for a range of sources, from small businesses to industrial and commercial facilities;
- Ensure facility compliance through inspection and enforcement oversight, including conducting more than 15,400 Full Compliance Evaluations (FCE) in 2022, compared to fewer than 200 FCEs conducted by U.S. EPA⁵;
- Hire, train, and retain qualified staff; and,
- Lead public outreach and information campaigns, including forecasting air quality, responding to complaints, and conducting stakeholder engagement.

State and local air agencies have led these efforts and continued to improve the Nation’s air quality⁶ while administering progressively complicated and demanding operations that have had to accommodate growing inflation in expenses related to personnel, travel, equipment and building costs for monitoring sites. Budgetary challenges have also been compounded by the achievements of air pollution control agencies, as fees collected on a per-ton basis from major sources through the CAA Title V Operating Permit program have substantially decreased in revenue as the program meets its primary goal: driving emissions down to create better air quality. Coupled with expanding CAA obligations, current funding conditions make meeting core CAA responsibilities more difficult.

The Administration’s current regulatory agenda indicates there are 79 forthcoming regulatory actions from U.S. EPA’s Office of Air and Radiation (OAR).⁷ Of these, more than 70 are expected to be completed by the end of the 2024 Federal fiscal year, including 11 major/economically significant regulations. Once finalized by U.S. EPA, State and local air agencies will be (or are already) at the forefront of implementation and planning for many of these rules, including:

- A projected tighter fine particulate matter (PM_{2.5}) NAAQS⁸;

³U.S. EPA’s Office of Air and Radiation lists 97 short- and long-term regulatory actions in the Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions.

⁴H.R. 2617—Consolidated Appropriations Act, 2023 (Public Law 117–328). Funding levels prior to rescissions.

⁵U.S. EPA, Analyze Trends: State Air Dashboard. U.S. EPA defines an FCE as “a comprehensive evaluation of the compliance status of the facility. It looks for all regulated pollutants at all regulated emission units, and it addresses the compliance status of each unit, as well as the facility’s continuing ability to maintain compliance at each emission unit.” Data accessed May 9, 2023.

⁶U.S. EPA, Air Quality—National Summary. See also: U.S. EPA, Our Nation’s Air: Trends Through 2021, June 2022.

⁷Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions, released January 4, 2023.

⁸RIN 2060–AV52, Final rule expected August 2023.

- New source performance standards (NSPS) for methane from the oil and natural gas sector⁹;
- Greenhouse gas (GHG) emission standards for the power sector for both coal and natural gas electric generating units (EGUs)¹⁰; and,
- Numerous air toxics rules, including for ethylene oxide (EtO) commercial sterilizers.¹¹

Apart from implementing these regulations, State and local air agencies will be responsible for associated permitting changes as well as evolving policies to boost engagement with communities. Already well-versed in working directly with communities, regulated industries, and other stakeholders in their jurisdictions, State and local agencies understand that melding new national environmental requirements with local priorities, economic strategies, and social needs will further impact current resources.

Funding for State and Local Air Quality Management Grants that accounts for new and historic CAA mandates and increased responsibilities will be vital for State and local air agency budgets as well as ensuring the cooperative federalism balance needed for successful environmental outcomes. Providing maximum flexibility in air agency grants allows for programs to determine the best use for addressing air pollution control needs in their jurisdiction. Additional considerations that may affect State and local resources include how U.S. EPA alters the regional and state allocation formula for State and Local Air Quality Management Grants as well as maintaining funding for PM_{2.5} monitoring under CAA Section 103, rather than Section 105.¹²

Thank you for your attention to this testimony. AAPCA's State and local air agency members appreciate the recognition of your Committee in recent funding legislation and look forward to working with you as Congress develops its priorities for FY 2024 appropriations for U.S. EPA. If you have any questions, please contact Mr. Jason Sloan, Executive Director, at jsloan@csg.org or (859) 244-8043.

SINCERELY,



Jason Sloan
Executive Director, AAPCA

PREPARED STATEMENT OF THE ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Thank you for the opportunity to submit recommendations for Fiscal Year 2024 (FY24) Congressional appropriations. The Association of Fish and Wildlife Agencies' (AFWA) mission, since our founding in 1902, is to protect and enable state fish and wildlife agencies (States) to exercise their statutory authority to conserve and manage the fish and wildlife within their borders. All 50 States, the District of Columbia, and the U.S. Virgin Islands are members.

We look forward to working with you as we enter another challenging budget cycle to enact funding levels consistent with current funding, and in some cases higher than current levels to address critical conservation needs. Investments in conservation programs present some of the highest returns on Federal dollars and are fueling our Nation's recovery, providing jobs and economic stimulus, environmental resilience, and a robust health and science network to combat emerging diseases. As States have authority for and are on the front lines of wildlife health and zoonotic diseases, they must be engaged throughout development of a robust health

⁹ RIN 2060-AV16, Final rule expected August 2023.

¹⁰ RIN 2060-AV09, Final rule expected July 2024.

¹¹ RIN 2060-AU37, Final rule expected October 2023.

¹² U.S. EPA's FY2023 and 2024 National Program Manager Guidance Monitoring Appendix States: "Per appropriation language since the beginning of the PM_{2.5} monitoring program, EPA intends to continue to make grants available under § 103 of the Clean Air Act to support PM_{2.5} monitoring activities. Should this appropriation language change, EPA will revisit this issue."

and science framework to combat wildlife diseases. Further, we support and endorse appropriations recommendations that are submitted by regional associations of fish and wildlife agencies.

UNITED STATES FISH AND WILDLIFE SERVICE (FWS)

Aquatic Habitat, Assessments, Restoration, and Species Conservation—We support no less than funding at FY23 levels for Fish and Aquatic Conservation and support the FWS' FY24 budget request of \$7.6 million for the National Fish Habitat Action Plan (NFHP), which includes funding for the NFHP grant program and \$400,000 for the FWS to provide scientific and technical assistance support to the program. Further, we respectfully request full funding for the USGS, USFS, EPA, and NOAA to provide scientific and technical assistance to the program, as well as the inclusion of report language recommending that the USGS, USFS, EPA, and NOAA each provide the full authorized level of \$400,000 for scientific and technical assistance for the NFHP as authorized under Public Law 116–188. With full funding at congressionally authorized levels, this would ensure the NFHP Program's continued ability to advance aquatic conservation projects that benefit all Americans. We thank Congress for the one-time funding provided for aquatic organism passage infrastructure through the Bipartisan Infrastructure Law, yet continuous programmatic funding for Fish Passage is needed to ensure successful species management. We support funding the National Fish Passage Program at no less than FY23 levels. Likewise, we are grateful for the infrastructure investments in geographic programs and support robust funding for conservation and restoration activities in the Delaware River Basin, Klamath Basin, Chesapeake Bay, Everglades, and Great Lakes.

National Fish Hatchery Systems (NFHS) Operations is a high priority, and we recommend no less than FY23 funding levels. We support funding for the Aquatic Animal Drug Approval Partnership at \$1.2 million as well as robust funding for the Fish Health Centers, Fish Technology Centers, Wild Fish Health Survey, and Mass Marking program, all of which meet needs of States, Tribes, and the Federal Government. We request no less than FY23 funding levels for the mass marking initiative in the Pacific Northwest and the Great Lakes region.

Aquatic Invasive Species and Law Enforcement (LE)—We request Congress continue to fund the implementation of state Aquatic Nuisance Species (ANS) management plans at no less than FY23 levels without compromising other ANS programs. We support no less than FY21 funding levels to implement the National Invasive Carp Management and Control Plan in the Mississippi River and tributaries as well as continuation of the provisions in the FY21 report language. Finally, we support increased funding to combat wildlife trafficking activities such as illegal turtle trade, conduct investigations, supplement inspections, and to work cooperatively with state fish and wildlife agencies to help protect our Nation's native fish and wildlife resources from unsustainable exploitation.

Habitat Conservation and the National Wildlife Refuge System (NWRS)—We recommend no less than FY23 funding levels for Habitat Conservation, including no less than \$79 million for the Partners of Fish and Wildlife Program for voluntary conservation efforts. We support the Administration's request of \$624.9 million for NWRS Operations and Maintenance and continue to support sustainable trapping on refuges to provide much needed research on species of interest as well as to protect imperiled species and their habitats.

State and Tribal Wildlife Grants and Partnership 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 (SGCN) identified in congressionally-required 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 accelerate conservation of declining species to preclude an increase in Federal expenditures in the future under the Endangered Species Act (ESA). AFWA recommends \$100 million, with no less than \$75 million for apportionments to States and territories, for the State and Tribal Wildlife Grants Program in FY24, and supports enactment of legislation consistent with the Recovering America's Wildlife Act as introduced in the 117th Congress which would provide States, Tribes, and their conservation partners with the level of funding needed to do large-scale, proactive, and non-regulatory conservation and restoration for many rapidly declining fish and wildlife. AFWA also recommends no less than \$53 million for the North American Wetlands Conservation Fund to conserve vital wetlands and other habitats important to migratory birds and other wildlife, full authorized funding for the Neotropical Migratory Bird

Conservation Fund, and \$22 million for the Multinational Species Conservation Fund.

Science Applications—USFWS’ Science Applications (SA) program has evolved into an important collaborator with state fish and wildlife agencies. The program provides science, landscape design, and coordination capacity for the co-development of regional conservation blueprints and provides support for regional fish and wildlife association landscape conservation collaboratives. This work is improving the efficiency and effectiveness of State-based fish and wildlife conservation by facilitating work at landscape scales. SA also supports other state priorities including revision of State Wildlife Action Plans, at-risk species conservation, grassland and pollinator conservation, climate adaptation, and One Health. We support the Administration’s \$13.5 million increase for Science Partnerships within the SA line item for core science activities and respectfully request that the subcommittee provide direction to ensure there are no reductions to the core program budget due to Community Project Funding requests.

Chronic Wasting Disease (CWD) is a critical focus for Science Support, and we request robust funding for USFWS to fulfill CWD responsibilities, including implementation of the Interstate Action Plan, prioritized research, monitoring, and studies of CWD in wild, free-ranging deer species.

Ecological Services (ES) & Cooperative Endangered Species Conservation Fund (CESCF)—We encourage the FWS to continue collaborating closely with state fish and wildlife agencies to identify and conserve at-risk species, and 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 ongoing habitat management and species restoration activities as well as continued support of the use of State data, particularly under Section 6 grants to States.

Migratory Bird Management (MBM)—We support robust funding for MBM, including a \$1 million increase for the Duck Stamp Office to better engage with artists and promote sales within the Duck Stamp program. Additionally, we support full funding of the Migratory Bird Joint Ventures at \$19.9 million and an increase of \$20 million for monitoring and surveys of waterfowl and other bird species populations.

UNITED STATES GEOLOGICAL SURVEY (USGS)

Ecosystems—We respectfully request no less than \$34 million for the Cooperative Fish and Wildlife Research Unit Program (CRU) in FY24. The additional funds would enable USGS to address 23 vacancies across the units and address the safety equipment and training backlog, as well as fund a new position for a Midwest Regional Supervisor and ensure funds for the Deputy Chief. Additionally, we support a \$24.7 million increase over FY23 levels for the Land Management Research Program, of which we recommend \$5 million be directed for Migration Corridor research. We support the National Cooperators’ Coalition’s testimony on CRUs, and recommend \$394 million in funding for the Ecosystems Mission Area. We support an increase of \$11 million for the Species Management Research Program (SMRP) to maintain foundational research on numerous species and provide technical assistance for State agencies. Long term monitoring programs supported by SMRP including the North American Bat Monitoring Program, the Breeding Bird Survey, Bird Banding Lab, and the Amphibian and Reptile Monitoring Initiative, are critical to State agencies and additional resources for the SMRP will support the long-term conservation and management of fish, wildlife and habitat.

We support the USGS’ request for \$87.3 million for Climate Adaptation Science Centers (CASC). The science and tools developed by CASC are vital resources aimed to support resource managers in their efforts to manage the Nation’s natural resources in a changing climate. The CASCs provide vital research on climate change, the impacts of climate change to fish, wildlife, and their habitats, and the efficacy of climate adaptation efforts to build resilience to climate change. Additionally, the regional CASCs are important collaborators with the States in their regions and been able to increase the effectiveness of climate adaptation by providing the most relevant research focused on state needs within their regions, filling knowledge gaps in our understanding of vulnerabilities and responses of fish and wildlife to climate change and supported state priorities, including revisions of State Wildlife Action Plans. Monitoring wildlife for exposure to environmental contaminants is a critical part of the “One Health” paradigm adopted by the USGS. This need is particularly acute when considering the increased attention given to per- and polyfluoroalkyl substance contamination by both the public and State and Federal agencies. AFWA supports the continued robust funding of the Environmental Health Program.

Water Resources—We support robust funding for the Groundwater and Streamflow Information Program and recommend \$32 million for Federal Priority Streamgages to address funding shortfalls and reinstate lost gages, \$68 million for Cooperative Matching Funds including \$33 million for Streamgage support, and \$35 million for the Next Generation Water Observing System to enable additional pilot basins and data modernization. Finally, we recommend at least FY21 funding levels for the National Water Quality Program with \$2 million for harmful algal bloom research.

Biological Threats and Invasive Species Research Program (BTR)—AFWA recommends \$49.4 million in funding for BTR, in addition to \$10.62 million in continued funding for Invasive Carp research. We discourage any cuts to the Invasive Carp Program, particularly given the ongoing work between USGS, Canada, and border States to prevent establishment of Prussian Carp. We support \$10 million for research on CWD in wild, free-ranging deer species to manage environmental contamination and control key sources of transmission. It is imperative that Congress provide additional resources to USGS Ecosystems and other Federal agencies to coordinate with the States on research, management, surveillance, monitoring, testing, disposal, best management practices, and other CWD management challenges. We strongly recommend \$1.2 million for USGS to contribute to completion of the CWD Transmission in Cervidae Study.

BUREAU OF LAND MANAGEMENT (BLM)—AFWA supports robust funding for management of lands and resources. Recognizing States have authority to manage species within their borders, we recommend not less than FY23 levels for Wildlife and Aquatic Habitat Management, including increases for sage grouse conservation activities, and for Rangeland Improvement and Bighorn sheep disease prevention, and additional funding for Wildlife Habitat Management (1170) to combat invasive species. AFWA recommends \$154.8 million for the BLM's Wild Horse and Burro (WHB) Program as current funding does not provide enough resources for control efforts to outpace population growth rates. BLM estimates there are over 82,000 WHB across habitats with a total appropriate management level of less than 27,000. The harm inflicted on public lands from excess wild horses and burros compounds yearly as on-range population growth rates and off-range holding costs outstrip the BLM's ability to manage herds.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—The Abandoned Mine Reclamation Fund is critical to the restoration of lands at the nexus of many SGCN and water quality issues, and we support robust funding, as well as level funding for Regulation and Technology.

UNITED STATES FOREST SERVICE (USFS)—AFWA supports robust funding for Wildland Fire Management, as well as a substantial increase for the Wildfire Suppression Operations Reserve Fund. We recommend \$328 million for State and Private Forestry, including an increase of \$1.5 million for the Forest Stewardship Program. We support an increase of \$252 million for the National Forest System, and robust funding for hazardous fuels management. AFWA recommends that USFS receive robust, dedicated funding for WHB management within a newly specified line-item, as funds are currently reallocated internally from other budgets. As USFS is responsible for 20% of the Nation's WHB, we recommend that the 80/20 ratio is continued for WHB appropriations across BLM and USFS.

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Finally, we recommend robust funding for the Great Lakes Restoration Initiative, and that funding be eligible for use on tributaries of the Great Lakes Region, which serve as a major conduit of invasive species introductions. We support robust funding for the Clean Water State Revolving Loan Fund, Nonpoint Source Grants, and Pollution Control Grants. AFWA recommends at least FY23 funding levels for the National Estuaries Program, the Beach/Fish Safety Program, and the Geographic Programs.

[This statement was submitted by Association of Fish and Wildlife Agencies' (AFWA).]

PREPARED STATEMENT OF THE ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

Summary of Request: The Association of State Drinking Water Administrators (ASDWA) submits the following recommendations for Fiscal Year 2024 (FY24) appropriations on behalf of the drinking water programs in the 50 States, five territories, the District of Columbia, and the Navajo Nation:

—ASDWA recommends that all Congressionally Directed Spending (CDS) be funded without cutting funding for the State Revolving Loan Funds (SRFs) capital-

ization grants. SRF capitalization grant reductions are negatively impacting drinking water programs.

—ASDWA recommends an immediate increase of \$85 million for the Public Water Supply Supervision (PWSS) Program, over and above the funding gap identified in the ASDWA's 2020 Resource Needs Report. This report determined that the PWSS funding gap in 2020 would be \$375 million, increasing to \$469 million by 2029. The \$85 million in immediate additional funding is from the 2024 convergence of the deadlines for the initial lead service line inventories under the Lead and Copper Rule Revisions (LCRR), the final Lead and Copper Rule Improvements (LCRI), the final regulation for Per- and Polyfluoroalkyl Substances (PFAS), the final Consumer Confidence Report (CCR) Rule Revisions, and the inclusion of cybersecurity in sanitary surveys.

—ASDWA recommends funding the SRFs to the full authorizations of \$3 billion each.

ASDWA urges sufficient funding for the drinking water programs for improving public health protection and increasing economic stability and prosperity across the country.

CONGRESSIONALLY DIRECTED SPENDING

ASDWA requests that all Congressionally Directed Spending (CDS) be funded without cutting funding to the SRFs. The current approach to fund the CDS projects at the expense of the SRF capitalization grants is catastrophic for state drinking water programs through reductions in the set-asides and in the funding that can revolve in perpetuity through loan repayments. The set asides fund state drinking water program staff that implement the Safe Drinking Water Act (SDWA) requirements. Reductions in the set-asides could threaten the ability of some States to maintain SDWA primacy. The total House FY24 requested funding CDS of \$1,126,088,000 for drinking water projects (noting that this does not include Senate FY24 requests) is greater than the FY22 capitalization grant for the Drinking Water State Revolving Fund (DWSRF) of \$1,126,088,000. If all the House requested CDS projects are funded, the DSWRF would be zeroed out. This is gravely concerning. A sustainable and separate funding source is needed for the CDS projects, now and in the future. States have significant concerns about the sustainability of their programs with the funding reductions from the reductions in the set-asides. With the reductions in set-asides, States cannot maintain needed technical assistance programs and staff assistance to systems to meet their ongoing regulatory and infrastructure needs. These programs largely benefit small, rural communities as well as disadvantaged communities.

THE PUBLIC WATER SYSTEM SUPERVISION (PWSS) PROGRAM

ASDWA recommends an immediate increase of PWSS funding by \$85 million due to the convergence of multiple mandates in 2024.

How the PWSS Program Operates: To meet the requirements of the SDWA, States have accepted primary enforcement responsibility for regulatory compliance and technical assistance for more than 150,000 public water systems to ensure health-based violations do not occur or are fixed expediently. This involves 91 federally regulated contaminants, and the complexity of regulations has increased in the past decade. Beyond the contaminants covered by Federal drinking water regulations, States are also implementing an array of proactive initiatives to protect public health and the environment, such as source water protection, technical assistance for water treatment and distribution, and enhancement of water system performance. State activities go well beyond simply ensuring compliance at the tap. Demand for these activities continues to increase due to new regulatory and non-regulatory actions such as the 2024 convergence of the deadlines for the initial lead service line inventories under the Lead and Copper Rule Revisions (LCRR), the final Lead and Copper Rule Improvements (LCRI), the final regulation for Per- and Polyfluoroalkyl Substances (PFAS), the final Consumer Confidence Report (CCR) Rule Revisions, and the inclusion of cybersecurity in sanitary surveys.

Why Adequate Support is Needed: States will be unable to protect public health without adequate Federal funding. Inadequate Federal support for state drinking water programs has several negative consequences. For example, as part of ASDWA's comments on EPA's proposed Lead and Copper Rule Revisions (LCRR), ASDWA updated its Costs of States' Transaction Study (CoSTS). This study found that the LCRR will increase state staff hours by 835,000 hours annually over the current Lead and Copper Rule in its first 5 years of implementation, at a cost to States of approximately \$50 million annually. Primacy agencies will face a signifi-

cant increase in staff demands with the submissions of the initial lead service line inventories in 2024.

In addition to the LCRR, primacy agencies will face increased resource demands with the final PFAS regulation, the final Consumer Confidence Report (CCR) Rule, and cybersecurity. ASDWA estimates that the PFAS rule will increase state staff hours by 469,000 hours annually in its first 5 years of implementation, costing the States \$27 million annually. Additional costs of \$8 million annually will result from the Consumer Confidence Report Revisions and the inclusion of cybersecurity in sanitary surveys. The total increase in the state burden is \$85 million annually.

Without the additional PWSS funding, States will have to make tough decisions about how to prioritize support to existing programs to implement the requirements of the final LCRR, the final PFAS rule, the revisions to the CCR rule, and cybersecurity. States want to offer the flexibilities allowed under existing rules to local water systems, however, fewer state resources mean less opportunity to work individually with water systems to improve public health protection.

State drinking water programs are already hard pressed financially. State-provided funding has historically compensated for inadequate Federal funding, but state budgets have been variable for the past few years, given the COVID-19 and other economic issues. Insufficient Federal support for the PWSS program increases the likelihood of scenarios that put the public's health at risk. This is an untenable situation, as the long-standing regulatory oversight remains constant, new rules require additional regulatory oversight, and proactive actions that should be maintained such as technical assistance and source water protection have increased States' workloads. States consistently step in to help solve problems and return systems to compliance and to providing safe water as quickly as possible. Any reduction in Federal funding for state water programs, no matter how small, exacerbates the existing financial difficulties.

ASDWA recommends that the PWSS Program be funded at \$207 million in FY24 (a \$85 million increase), recognizing that this increase would not close the funding gap: The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while the Federal funding increases have not kept pace. Inflation has further eroded the static funding levels. The requested funding amount is based on ASDWA's 2020 Resource Needs Report, which found the funding gap for the PWSS program in 2020 to be \$375 million, increasing to \$469 million by 2029. The funding gap has increased by \$197 million since the previous analysis in 2011 due to inflation and the increasing demands on State programs to maintain current regulatory oversight and to provide oversight on new rules. The Federal share of program funding has decreased by 8% since the previous analysis in 2011. Increased PWSS funds are urgently needed for implementing existing drinking water rules, taking on the new rules, and to negate the eroding effects of inflation. This is a small price to pay for public health protection.

THE DRINKING WATER STATE REVOLVING LOAN FUND PROGRAM

ASDWA recommends that Congress fund the DWSRF at the full authorization—\$3 billion. In 2021, Congress recognized the need for increased funding for water infrastructure by reauthorizing the SRFs in the Drinking Water and Wastewater Infrastructure Act in the IIJA. However, Congress has not funded the SRFs to the newly authorized levels to meet this need.

How the DWSRF Program Operates: Drinking water in the U.S. is among the safest and most reliable in the world, but it is threatened by aging infrastructure and emerging contaminants. Through low interest loans provided by the DWSRF, States help water systems overcome these threats. Since its inception, the DWSRF has provided funding for projects that enhance drinking water systems and protect public health. Through the DWSRF program, \$21.1 billion in Federal capitalization grants since 1997 have been leveraged by States into over \$41.1 billion in infrastructure loans to 14,500 communities across the country. About 26% of the cumulative DWSRF funding, including low- and negative-interest loans, has been provided to small, rural, and disadvantaged communities. Such investments pay tremendous dividends—both in supporting our economy and in protecting public health. For every \$1 invested in the DWSRF from the Federal Government, \$2 has gone to communities. States have effectively and efficiently leveraged Federal dollars with state contributions. An important feature of the DWSRF program is the state “set-aside” fund component, a key reason to fully fund this critical program. Set-asides provide a process for States to work with water systems to maintain compliance and avoid violations. States may reserve up to 31% of these funds for a variety of critical tasks, such as increasing the technical, managerial, and financial capacity of water systems, providing training and certification for water system opera-

tors, and continuing source water protection efforts. Set-asides are an essential source of funding for States' core programs and these efforts work in tandem with infrastructure loans.

Drinking Water Infrastructure Investment is Well below the Documented Need: EPA's 6th Drinking Water Needs Survey concluded that \$427.6 billion of capital investment was needed for the next 20 years. The total translates to \$21.4 billion annually. Continued investment is needed for aging treatment plants, storage tanks, pumps, and distribution lines that carry water to our Nation's homes, businesses, and schools. Unlike other water infrastructure funding programs, the DWSRF offers project subsidization for disadvantaged communities, funds for training and technical assistance, and is a fundamental funding mechanism for many medium and small utilities who would pay much higher interest rates if forced to use the bond market. The DWSRF plays a key role in keeping infrastructure projects and upgrades affordable for many communities.

Conclusion: States need sustained Federal support through the PWSS and DWSRF programs to maintain public health protection and to support the needs of the water systems they oversee. These programs provide most of the funding for States to work with drinking water utilities to ensure the state-federal regulatory partnership ensures that American citizens have safe and adequate water supplies. Vibrant and sustainable communities, their citizens, workforce, and businesses all depend on a safe and reliable supply of drinking water. Over 90% of the population receives water used for bathing, cooking, and drinking comes from a water system that is overseen by State drinking water program personnel. Water systems—as well as the cities, villages, schools, and businesses they support—rely on state drinking water programs to ensure they comply with all applicable Federal requirements. In addition to the water we drink in our homes, water produced by water systems is also used to fight fires, transport wastewater, cook, wash clothes and dishes, as well as by businesses for manufacturing, food processing, and cooling. State drinking water programs must have adequate funding to protect public health and maintain the economic health of communities. Contamination events and water supply interruptions across the country serve as stark reminders of the critical nature of the work that state drinking water programs do—every day—and the reason the funding for state drinking water programs must be not only sustained but increased to match the increased regulatory burden.

ASDWA recommends Congress fully fund state drinking water programs in the FY 24 to protect public health and drinking water across the Nation. States are willing and committed partners, however, additional Federal funding is needed to meet the ongoing and growing regulatory and infrastructure needs. Strong state drinking water programs supported by the federal-state partnership will ensure the quality of drinking water in this country will continue to improve so the public knows that a glass of water is safe to drink no matter where they live.

[This statement was submitted by J. Alan Roberson, P.E., Executive Director, ASDWA.]

PREPARED STATEMENT OF THE ASSOCIATION OF ZOOS AND AQUARIUMS

Thank you Chair Merkley and Ranking Member Murkowski for the opportunity to submit testimony about the priorities of the Association of Zoos and Aquariums for Fiscal Year 2024. 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 more than 250 accredited zoos, aquariums, nature and science centers, and related facilities reflect the global standard of excellence in animal care and welfare, conservation, education, science, and guest experience. AZA's member facilities are examples of how economic and environmental prosperity can work hand-in-hand. Our members welcome nearly 200 million visitors annually, generating more than \$22 billion in economic activity, and supporting more than 198,000 jobs across the country. They also contribute well over \$200 million in direct support for field conservation each year. They support work in 117 countries benefiting more than 954 species and subspecies, of which 225 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 independent and objective AZA accreditation process includes self-evaluation, rigorous on-site inspection, and critical 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 Govern-

ments and the visiting public. AZA accreditation is the global gold standard for modern zoological facilities.

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 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, including some of the most successful and heralded recovery efforts, such as California condor and black-footed ferret;
- Carrying out rescue, rehabilitation, and confiscation of tens of thousands of animals in collaboration with Federal and State agencies, including USFWS, to the benefit of many threatened and endangered species;
- Supporting conservation domestically and internationally through multinational species conservation funds and state wildlife grants; and
- Partnering with USFWS, the National Park Service and others on migratory birds, freshwater and saltwater fisheries, national marine sanctuaries, illegal wildlife trade, amphibians, and invasive species.

I am submitting testimony in support of the following key programs funded through the annual Interior, Environment, and Related Agencies appropriations bill.

U.S. FISH AND WILDLIFE SERVICE BUDGET

The 198,000 jobs and \$22 billion in economic contributions, as well as the vital conservation work supported by AZA-accredited facilities depends on adequate USFWS staff levels. Recently, Senator Murkowski joined Senators Sullivan, Whitehouse, and others in authoring a letter to the Department of the Interior. The letter articulates how, during the past several years, lengthy permitting delays have become the rule, rather than the exception. Often, these delays put the welfare of animals and crucial conservation projects at jeopardy. They are a serious hinderance to AZA's science-based conservation breeding programs that require animals to be moved in an efficient, humane, and timely manner. This is particularly acute and serious within the International Affairs program (Management and Scientific Authorities). AZA is keenly interested in expanding our critical work in support of rescue, rehabilitation, and reintroduction of threatened and endangered species, care and placement of live confiscated wildlife seized at the ports/borders, and on scientific and conservation research on species like polar bears in AZA facilities. The success of these important initiatives depends on the effective permitting from USFWS.

For this reason, we request that the subcommittee include specific direction for the Management and Scientific Authority to enter into a Memorandum of Agreement, and hire and support a dedicated and qualified employee to facilitate zoo and aquarium permitting.

We also request dedicated funding for the Office of Law Enforcement to support design and implementation of a nationwide "confiscations network." As we battle the global epidemic of wildlife trafficking, and as the USFWS continues to improve detection and interruption of trafficking routes and syndicates, confiscated animals are the casualties. They are the unfortunate refugees from this crisis and need to be placed, and often held for lengthy periods, as evidence. Their care often requires very specialized and expensive expertise. USFWS often comes to AZA and its members for this assistance, and we need a comprehensive national framework that will provide the care and welfare of confiscated wildlife. One that will allow law enforcement agents to get on with the job of enforcement, and not let criminals escape as agents deal with placing animals.

ENDANGERED SPECIES RECOVERY AND RECOVERY CHALLENGE GRANTS

We express our gratitude for the subcommittee's continued support for increasing funding for endangered species through the Recovery account and working with our partners at USFWS to create the Endangered Species 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.

We 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, we are requesting an increase in funding for the Recovery Challenge Grant program to \$15 million in FY2024. This funding will power recovery partnerships and inspire their work to better recover critically endangered species.

MULTINATIONAL SPECIES CONSERVATION FUNDS

AZA supports the inclusion of \$30 million for the Multinational Species Conservation Funds (MSCF) administered by USFWS. 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. USFWS 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 USFWS.

ENDANGERED SPECIES ACT

AZA and its members enthusiastically support the ESA, which has saved hundreds of listed species from extinction. Like AZA accreditation, the ESA is the global “gold standard.” It reflects our National commitment to species and ecosystem conservation, and it is working. Since its inception in 1973, it has prevented the extinction of 99% of the species it protects. 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, including me, that we are living amidst the planet’s sixth mass extinction. Climate change is accelerating 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 support the ESA, and we 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.

AMERICAN RESCUE PLAN ACT FUNDING

Finally, we appreciate the subcommittee’s support for \$30 million in the “American Rescue Plan Act” (Public Law 117–2) for the care of captive species listed under the ESA and rescued and confiscated wildlife in facilities experiencing lost revenues due to COVID–19. Under a cooperative agreement with USFWS to implement this provision, AZA is providing reimbursements to eligible facilities that cared for endangered and threatened species and rescued and confiscated wildlife and that experienced earned revenue declines as a result of the COVID–19 pandemic. Funds have been directed toward reimbursing eligible facilities for the following three captive care categories: 1) U.S. native plant and animal species listed under the ESA; 2) U.S. native wildlife listed under the ESA rescued from the wild; and/or 3) wildlife confiscated by the U.S. government at, or destined for, U.S. ports and borders and held in animal care facilities. AZA is completing review of a small number of remaining applications in the first round of funding and will open up a second round of reimbursement opportunities in late May 2023. With the success of this effort to

fund some of the critical conservation work of facilities like those accredited by AZA, we hope to work with the subcommittee and USFWS to determine and develop similar future funding opportunities that address these essential ongoing wildlife conservation efforts.

AZA and its members look forward to continuing to work with this subcommittee and Congress to assure that as a nation we are devoting the necessary resources to conserve wildlife at home and globally.

[This statement was submitted by Dan Ashe, President and CEO, Association of Zoos and Aquariums.]

PREPARED STATEMENT OF BACKCOUNTRY HUNTERS & ANGLERS

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters and wildlife, I write in support of robust funding levels and critical funding increases for many key programs within the fiscal year 2024 Interior, Environment, and Related Agencies Appropriations bill. Programs within your subcommittee directly drive important economies related to our Nation's hunting, fishing and outdoor recreation industries with millions of Americans annually generating \$862 billion.

As we enter the FY2024 budget cycle, BHA encourages this subcommittee to invest in the natural resource programs within the U.S. Department of Interior, the U.S. Forest Service and the U.S. Geological Service that sustain fish and wildlife habitat, drive hunting and fishing opportunities, enhance public access, and create economic stability in America. BHA is motivated to work with you and the authorizing committees on identifying strategic funding solutions that benefit future generations of hunters and anglers.

LAND AND WATER CONSERVATION FUND

BHA strongly supported the Great American Outdoors Act which permanently and fully funded the Land and Water Conservation Fund (LWCF). The \$900 million floor for LWCF doesn't burden taxpayers and in fact expands economic support to rural communities, enhances public recreational access, and conserves quality fish and wildlife habitats.

BHA supports the allocation of an additional \$450 million in discretionary funding to take advantage of the tremendous opportunities to leverage funding and prioritize projects with partners in the land trust community that would eliminate landlocked public lands currently closed to hunters and anglers. We specifically support the use of funds to address projects that consolidate fragmented ownership of Federal public lands, connect wildlife corridors, enhance recreational access in addition to complementing State-based investments in natural resource management.

BLM LAND RESOURCES

BHA supports an increase in funding levels to \$304 million for the Bureau of Land Management (BLM) Land Resources subaccount. This subaccount includes funding for BLM's high priority planning efforts across more than 247 million acres of land the agency manages, including the initiation of new resource management plans, address the need for planning updates and amendments, and implementation strategies. It is essential to ensure that BLM has the resources necessary to integrate the most recent State and Federal fish and wildlife science, outdoor recreation needs, and balancing energy development and resource extraction uses within the planning process. We recommend an additional increase of \$5 million that would be directed to Resource Management Planning budgets for RMP revisions, amendments, and evaluation.

BLM WILDLIFE AND AQUATIC HABITAT MANAGEMENT

BHA supports an increase in funding levels to \$235 million for the BLM Wildlife and Aquatic Habitat Management account. The work conducted through this account supports the maintenance, restoration, and enhancement of fish, wildlife, and their habitats on BLM administered public lands. Important BLM activities such as conducting inventories of fish and wildlife resources and developing cooperative management plans while providing for responsible recreation and commercial uses are critically important for BLM's ongoing work with state fish and wildlife agencies and local communities across the West. We further recommend increasing BLM's Wildlife & Aquatic Habitat Management budget by an additional \$7 million to support wildlife migration corridor conservation with Congress directing BLM to convey

\$2 million of that to the National Fish and Wildlife Foundation's Western Big Game Seasonal Habitat and Migration Corridors Fund.

BLM FOUNDATION

Announced by the Department of the Interior in 2022, The Foundation for America's Public Lands presents a unique opportunity to maintain and improve wildlife migration corridors and seasonal ranges in addition to establishing a sustainable future for BLM lands in general. BHA requests that appropriations for Fiscal Year 2024 include at least \$1 million to the foundation to support implementation of DOI Secretarial Order 2018- 3362 by funding priority projects that benefit wildlife migration corridors and seasonal habitat.

BLM WILD HORSES AND BURROS

BHA supports an increase in funding levels to \$155 million for the BLM's Wild Horse and Burro (WHB) Program as current funding does not provide enough resources for control efforts to outpace population growth rates. Additionally, we recommend that funds no longer be borrowed from other budget line items to fund the WHB. BLM estimates there are over 82,000 WHB across habitats with a total appropriate management level of less than 27,000. The harm inflicted on public lands from excess wild horses and burros compounds yearly as on-range population growth rates and off-range holding costs outstrip the BLM's ability to manage herds.

GREATER SAGE-GROUSE CONSERVATION

BHA also supports the removal of the harmful sage-grouse rider that compromises the U.S. Fish and Wildlife Service's (USFWS) ability to utilize important conservation tools within the Endangered Species Act should populations continue to decline. Greater sage-grouse habitat has experienced concerning degrees of fragmentation and degradation across the West and historic collaboration efforts have created powerful conservation plans tailored to 11 States across nearly 70 million acres of sagebrush steppe. This rider ties the hands of wildlife managers across the country and threatens the livelihood of rural communities that depend on sagebrush country for economic stability. BHA encourages you to oppose efforts to include any limiting sage-grouse rider language in FY24 appropriations bills.

ABANDONED HARDROCK MINE RECLAMATION FUNDING

BHA supports funding levels of at least \$287 million to be provided for the abandoned hardrock mine reclamation program created by Sec. 40704 of the Infrastructure, Investment, and Jobs Act. It is critical that this program receive funding to address the estimated 500,000 abandoned hardrock mines in the West. According to the Government Accountability Office, Federal agencies spent, on average, about \$287 million annually from 2008 through 2017 identifying, cleaning up, and monitoring abandoned hardrock mine sites. However, at this rate it would still take nearly two centuries to clean up all our Nation's abandoned mines which represent the largest single source of pollution with 40% of watersheds in the West contaminated by mine tailings and runoff.

USFWS NORTH AMERICAN WETLANDS CONSERVATION ACT

BHA supports funding the North American Wetlands Conservation Fund at its fully authorized amount of \$60 million. This one-of-a-kind program leverages 1:4 ratio in contributions from nonfederal partners to restore migratory birds and other wildlife habitat within FWS allocations. To date NAWCA has already conserved more than 30 million acres of wetland habitat to the benefit of waterfowl enthusiasts nationwide.

USFWS NATIONAL FISH HABITAT ACTION PLAN & PARTNERSHIPS

This USFWS account funds the National Fish Habitat Partnership, a coalition of outdoor, hunting, angling, industry, and other conservation organizations, that work together to address the loss and depletion of fish habitat in critical waterways throughout America. BHA supports funding this partnership at its fully authorized amount of \$7.2 million to further water restoration efforts across our country.

USFWS NATIONAL WILDLIFE REFUGE SYSTEM

BHA supports an increase in funding levels to \$624 million for the FWS National Wildlife Refuge System's (NWRs) Operations and Maintenance account. Adjusting for inflation, this level of funding is necessary to maintain operations at a level es-

established a decade ago. The NWRS currently allows hunting on 436 wildlife refuge units and fishing on 378, generating more than \$2.4 billion annually in economic revenue from hunting, fishing and other outdoor recreation activities. The Refuge System also supports more than 35,000 jobs across our Nation. Additionally, BHA supports the dedication of \$10 million to complete Comprehensive Conservation Plans, 40% of which are outdated despite the requirement by law to be updated every 15 years.

USFWS PARTNERS FOR FISH AND WILDLIFE PROGRAM

BHA supports an increase in funding levels to \$80 million for the Partners for Fish and Wildlife Program. This program that provides technical and financial assistance to private landowners and help implement critical projects that restore grasslands, wetlands and other habitats important to wildlife species such as grouse, canvasbacks and mule deer. Additionally, BHA strongly supports the dedication of \$3 million in direct support of DOI Secretarial Order 2018- 3362. We ask Congress to direct USFWS to convey \$1 million of that to the National Fish and Wildlife Foundation's Western Big Game Seasonal Habitat and Migration Corridors Fund and dedicate the remaining \$2 million for a wildlife migration grants program that is managed internally for supporting key partnerships.

USFWS SCIENCE APPLICATIONS PROGRAM

The USFWS Science Applications Program has made instrumental investments in researching and prioritizing wildlife corridor needs with western States and it will be critical to ensure that future funding remains robust as we face important demands for the best available science to inform planning and management decisions. Increasing energy demands—including pressure for new renewables development on both private and public lands—compels us to direct continued funding for research to understand strategic needs and specific threats to wildlife migration corridors as State and Tribal wildlife management agencies prioritize future projects including transportation infrastructure like overpasses and underpasses to facilitate wildlife migration. We recommend that \$4 million be provided to the Science Applications Program to directly support and identify needs for 18 western States and Tribal partner agencies that are critical to addressing threats and advancing big game migration and movement projects.

USFWS NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND

BHA supports an increase in funding levels to \$8 million for the Neotropical Migratory Bird Conservation Fund. This competitive grant program benefits more than 3.7 million acres of habitat, promoting long-term conservation of neotropical migratory birds through partner-based conservation and energizing local, on-the-ground conservation efforts through their migratory life cycles across North and South America.

USFWS STATE & TRIBAL WILDLIFE GRANTS

BHA supports an increase in funding levels to \$82 million for USFWS State and Tribal Wildlife Grants. This will provide state fish and wildlife management agencies the resources they need to continue managing and restoring critical habitats for species at risk of becoming endangered. In doing so the program facilitates collaboration between state, Tribal and Federal interests to invest in conservation efforts that prevent more expensive management costs in the future.

USFS ROADS AND TRAILS

BHA supports robust funding for the U.S. Forest Service (USFS) Roads and Trails on National Forest System lands to help alleviate millions in maintenance backlogs. Many hunters, anglers and other outdoor recreationalists depend on roads and trails to gain access to our public lands and waters. Without proper funding and management, public access can become eliminated or reduced significantly. Addressing USFS's maintenance backlog account is an important priority BHA would like to see addressed by Congress.

USFS WILD HORSES AND BURROS

BHA supports robust, dedicated funding for Wild Horse and Burro (WHB) management within a newly specified line-item, as funds are currently reallocated internally from other budgets. As USFS is responsible for 20% of the Nation's WHB, we

recommend that the 80/20 ratio is continued for WHB appropriations across BLM and USFS.

USFS MIGRATION CORRIDORS

We commend USDA and the USFS for elevating the conservation of wildlife migration corridors and seasonal ranges, particularly Secretary Vilsack's issuance of Secretarial Memo 1077 and the August 2022 USFS Habitat Connectivity and Migration Corridors in National Forest System Planning" guidance to Regional Foresters. These efforts will complement the work of the Natural Resources Conservation Service through Working Lands for Wildlife and other programs and ongoing implementation of DOI Secretarial Order 2018- 3362, however, policy guidance requires the allocation of funding to have meaningful impact. We recommend that Congress direct USFS to allocate \$10 million from the Infrastructure, Investment, and Jobs Act and the Inflation Reduction Act wildfire risk and hazardous fuels reduction funds to support implementation of USFS wildlife migration corridors policy guidance including conservation efforts at the individual forest and regional levels.

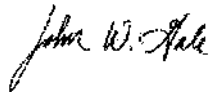
We also recommend a \$2 million increase for the USFS Watershed, Fish, Wildlife, Air and Rare Plants budgets to be directed to National Fish and Wildlife Foundation's Western Big Game Seasonal Habitat and Migration Corridors Fund.

USGS WILDLIFE CORRIDOR MAPPING AND RESEARCH

The U.S. Geological Survey's Corridor Mapping Team has provided critical mapping support and State-based technical assistance to wildlife management agencies through formal collaboration with the Wyoming Cooperative Fish and Wildlife Research Unit (CRU). Early investments made possible under the implementation of DOI Secretarial Order 2018- 3362, have provided essential data and spatial analysis for migration corridors mapping culminating three volumes of Ungulate Migrations of the Western United States. These migration atlases are the foundation for understanding wildlife migrations, prioritizing conservation needs in partnerships with western States, and avoiding and mitigating impacts from development through landscape-level planning on public lands—particularly as energy needs across renewable and fossil fuel sectors remain high. We recommend that at least \$1 million and up to \$5 million be allocated to the USGS Land Management Research budget and directed to supporting the Corridor Mapping Team and future research for publishing future volumes of Ungulate Migrations of the Western United States and other critical wildlife migration corridor studies.

While we understand the need to be fiscally responsible with taxpayer dollars, we believe that conservation programs are key economic drivers, providing large returns on investment in addition to ensuring that America has clean drinking water. Therefore, we ask you to support stable, annual funding for our Nation's public land and waters to support healthy communities and habitat for fish and wildlife. Thank you for your consideration of Backcountry Hunters & Anglers' fiscal year 2024 recommendations for the Interior, Environment, and Related Agencies Appropriations bill.

Sincerely,



John Gale
Vice President of Policy and Government Relations
Backcountry Hunters & Anglers

PREPARED STATEMENT OF THE CENTRAL ARIZONA WATER CONSERVATION DISTRICT

On behalf of the Central Arizona Water Conservation District (CAWCD), I encourage you to direct the Bureau of Land Management (BLM) to again expend at least \$2.0 million from its Aquatic Resources Program for Colorado River specific salinity control activities in Fiscal Year 2024. The funding will help protect the water quality of the Colorado River that is used by approximately 40 million people for municipal and industrial purposes and used to irrigate approximately 5 million acres in the United States.

CAWCD manages the Central Arizona Project (CAP), a multi-purpose water resource development and management project that delivers Colorado River water

into central and southern Arizona. The largest supplier of renewable water in Arizona, CAP delivers water to almost 6 million people each year, including to municipal and industrial users, agricultural irrigation districts, and Tribal communities.

Our goal at CAP is to provide an affordable, reliable and sustainable supply of Colorado River water to a service area that includes more than 80 percent of Arizona's population.

These renewable water supplies are critical to Arizona's economy and to the economies of Native American communities throughout the state. Nearly 90% of economic activity in the State of Arizona occurs within CAP's service area. The canal provides an economic benefit of \$100 billion annually, accounting for one-third of the entire Arizona gross state product. CAP also helps the State of Arizona meet its water management and regulatory objectives of reducing groundwater use and ensuring availability of groundwater as a supplemental water supply during future droughts. Achieving and maintaining these water management objectives is critical to the long-term sustainability of a State as arid as Arizona.

NEGATIVE IMPACTS OF CONCENTRATED SALTS

Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. Human activity, principally irrigation, adds to the salt load of the Colorado River. Further, natural and human activities concentrate the dissolved salts in the River.

The U.S. Bureau of Reclamation (Reclamation) has estimated the current quantifiable damages at about \$354 million per year to U.S. users with projections that damages would increase to approximately \$671 million per year by 2040 if the program were not to continue. These damages include:

- A reduction in the ability to reclaim and reuse water for beneficial uses, including drinking water and irrigation water supplies, due to high salinities in the water delivered to water treatment and reclamation facilities;
- A reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector;
- Increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
- An increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector; and
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

The threat of salinity continues to be a concern between the United States and Mexico. Since the agreement of Minute 242 in 1973 to the 1944 Water Treaty, the United States has taken several actions to improve the quality of water delivered to Mexico, including operating and maintaining the Main Outlet Drain Extension (MODE). More recently, on November 20, 2012, a 5-year agreement, known as Minute 319, was signed between the U.S. and Mexico to guide future management of the Colorado River. Among the key issues addressed in Minute 319 included an agreement to maintain current salinity management and existing salinity standards. The United States, Mexico, and key water users, including CAWCD, worked since 2015 to develop a successor agreement, Minute 323, which was finalized on September 27, 2017. Minute 323 continues collaboration and cooperation among the United States and Mexico with respect to salinity control in the Colorado River system. The CAWCD and other key water providers are committed to meeting these goals.

Adequate funding for salinity control will prevent the water quality of the Colorado River from further degradation and avoid significant increases in economic damages to municipal, industrial and irrigation users.

CONCLUSION

Implementation of salinity control practices through the BLM Program has proven to be a very cost-effective method of controlling the salinity of the Colorado River and is an essential component of the overall Colorado River Basin Salinity Control Program.

The continuation of funding will prevent further degradation of the water quality of the Colorado River and further degradation and economic damages experienced by municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved drinking water quality for nearly 40 million Americans. CAWCD requests that this committee direct that BLM again expend in Fiscal Year 2024 at least \$2.0 million from its Aquatic Resources Program for Colorado River specific salinity control activities.

[This statement was submitted by Brenda Burman, General Manager, Central Arizona Water Conservation District.]

PREPARED STATEMENT OF THE CENTER FOR INVASIVE SPECIES PREVENTION

We write to ask you to support funding for two programs of the USDA Forest Service. Each is essential for protecting the resilience of the Nation's forests in the face of invasive pests.

We ask that the subcommittee adopt report language requiring that the USFS begin a phased increase in funding allocated to research on invasive species. The goal would be to allocate five percent of the overall Rangeland Research Program's budget request to this purpose by FY26. As the first step on this phased increase, we suggest that the subcommittee raise funding for research on invasive species—the 10 species named on p. 62 of the budget justification and the many that are apparently not now included—to \$8.5 million. We note that these invasive species imperil forest health independently of the manifold effects of increased fire intensity and frequency and climate change. The research that would be funded by the additional funding is critical to improving managers' understanding of invasive forest insects' and pathogens' invasion pathways and impacts, as well as to developing effective management strategies.

Appropriations for USFS R&D (in \$millions)

	FY22	FY23	FY24—Adminis- tration's budget	Our ask
Total R&D budget	\$296.6	\$307.3	\$349.1	\$349.1
Funding for 10 invasive pest spp	\$4	\$4.5	\$4.4	\$8.5
FIA	\$22.2	\$32.2	\$30.2	\$30.2

In addition, we support the Administration's request for an appropriation of \$20 million for the Forest Health Management Program (FHM) program on Federal lands and \$35 million for the Cooperative Lands subprogram. We support continued availability of funding for these programs provided by the Bipartisan Infrastructure Law (Public Law 117- 58). Both subprograms must be funded in order to ensure continuity of protection efforts—such an “all lands” approach is the only way that pest management can be effective.

Appropriations for USFS S&P&T Lands, Forest Health Management (in \$millions)

PROGRAM	FY22	FY23	FY24—Adminis- tration's budget	Our ask
Federal lands approp	16	17	20	20
Federal lands Bipart. Infr	8.128	5	5	5
Coop lands approp	32	33	35	35
Coop lands Bipart. Infr.	7	7.685	7.685	7.685

JUSTIFICATION

URBAN, RURAL, AND WILDLAND FORESTS: INDISPENSABLE AND THREATENED

About one-third of America's land area supports forests or woodlands. These forests provide many benefits, including wood and non-wood forest products; jobs for rural economies; wildlife habitat; carbon sequestration; clean water and air; and recreation and aesthetic enjoyment. About 60 percent of these forests are owned by States or private entities.

Urban forests also contribute important services to both society and the environment. They moderate temperatures and winds, thus reducing energy expenditures and related emissions of carbon dioxide and other pollutants. They curb storm water runoff and its management costs. Urban trees filter air and water pollutants. They improve the health and wellbeing of residents.

THE IMPACT OF NON-NATIVE INSECTS AND DISEASES

Already, growing numbers of non-native insects and pathogens in America's forests undermine the most basic of our forests' condition and ecosystem services. One-fifth of forest biomass in the "lower 48" States is threatened by just the worst 15 pests. In total, these 15 species have caused an additional annual conversion of live biomass to dead wood at a rate similar in magnitude to the low end of the estimated rate attributed to fire (5.53 TgC per year for pests v. 5.4 to 14.2 TgC per year for fire).¹ Unique ecosystems are being destroyed: black ash swamps of the upper Midwest, riparian forests in California and Oregon, stream canyons of the Appalachian range, and high-elevation forests of western mountains. [See *Invasive Species in Forests & Grasslands of the United States: A Comprehensive Science Synthesis for the United States Forest Sector*, at <https://www.fs.usda.gov/treesearch/pubs/61982>]

Newly-arrived pests threatens additional ecosystems. Rapid 'ohi'a death is killing the most widespread tree species in the unique forests of Hawai'i. Beech leaf disease has spread from Ohio to Maine and south to Virginia in little over a decade; it threatens one of the most numerous tree species in the eastern forest. California's oaks face a growing number of pests: sudden oak death, goldspotted oak borer, Kuroshio shot hole borer, and now Mediterranean oak borer.

FULFILLING THE FOREST SERVICE' MISSION

The mission of the USDA Forest Service is to "sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations." The Service cannot fulfill this mission without a strong and integrated strategy for countering the establishment, spread, and effects of non-native insects and diseases. Unfortunately, the Administration's proposed budget for Fiscal Year 2024 barely recognizes the threat posed by non-native insects and pathogens and does not provide the resources needed to address it.

USDA FOREST SERVICE FOREST AND RANGELAND RESEARCH PROGRAM

This inadequacy is most obvious in its funding allocations for the Research program. Often, when pests are first detected, little is known about them. Effective programs to prevent, suppress, and eradicate the risks can be developed only after scientists understand the pest-host relationship. This crucial knowledge can be gained only through research.

Unfortunately, the Forest Service's research budget does prioritize improving managers' understanding of specific invasive species and of the processes contributing to bioinvasions. Just \$4 million is allocated for research conducted by the Research stations on 10 non-native pests (see page 62)—just over 1% of the total research budget. Since FY2010, these programs have suffered a greater than 70% decrease in funding while new pests have arrived to threaten our trees. USFS is losing the ability to develop effective tools needed by federal, state, and private landowners trying to managing the growing number of pests.

The Administration says it has prioritized research intended to support nature-based solutions for climate risk reduction, watershed resiliency, forest ecology, and forest genetics. However, many of the tree species that such solutions would depend on are being decimated by non-native pests. To restore them, scientists need to research their genetics and possible strategies to breed trees able to thrive despite the introduced pests. However, USFS R&D supports only a few such projects. Even in these cases the project leaders must seek outside funding in order to continue their

¹Fei, S., R.S. Morin, C.M. Oswalt, and A.M. 2019. Biomass losses resulting from insect and disease invasions in United States forests. PNAS August 27, 2019. Vol. 116 No. 35 17371–17376

work. We doubt that the Service' goals can be achieved in the absence of adequate funding for increasing understanding of bioinvasion and developing effective mitigation strategies.

Increased research examining the full range of strategies for countering invasive species will help managers to address threats identified by the recent expansion of the Forest Inventory and Analysis program. That is, research will contribute to improving forest conditions, not just documenting them.

FOREST HEALTH MANAGEMENT: PROVIDING THE NEEDED CONTINUUM OF PEST MANAGEMENT

Tree-killing non-native pests usually first appear in cities or suburbs, because they arrive on imported goods destined to population centers. The immediate result is enormous damage to urban forests. It is important that the USDA Forest Service counter this damage directly.

Even more important, the Service needs to thwart spread of these pests from places of first arrival to the Nation's rural and wildland forests, including National forests. Some pests spread on their own. Others are transported long distances on firewood, plants, or storage pods holding household furnishings. Thus they quickly imperil forests across the continent, so demanding a Federal response. Examples of tree-killing pests that have spread from urban areas to our National forests include the hemlock woolly adelgid, emerald ash borer, polyphagous and Kuroshio shot hole borers, sudden oak death, and laurel wilt disease.

In other words, protecting America's forests begins by addressing pests where they are first found—usually in urban or semi-rural forests; and following where they next appear. The USFS FHM program does this by providing technical and financial assistance to both States and other forest-management partners [Cooperative Lands] and Federal agencies [Federal Lands]. Both components of the FHM program are essential to the "all lands" management continuum. The program's efficacy has been reduced by the 50% cut in funding over the past decade. The Administration's proposed funding levels partially restore this missing capacity.

The strategy outlined in the budget justification, e.g., early detection of pests' introduction or spread to new regions and the "all-lands" approach, is sound. However, we note that strategies appropriate for managing the western and southern bark beetles, e.g., thinning, are not effective in countering non-native insects and pathogens. Therefore we also welcome increased investment in innovative control technologies.

We particularly applaud two projects described in the budget justification. Support for control of sudden oak death in Oregon and California needs to continue. Managers must be ready to respond to a probable expansion of the disease in California in response to the wet winter of 2022–2023. We also praise the partnership with State and Tribal agencies and USDA APHIS to manage widespread mortality of black (or brown) ash caused by the emerald ash borer.

A critical component of a comprehensive pest-management strategy is improving threatened trees' resistance to the introduced pests. The USFS currently allots very few resources to tree resistance breeding. Perhaps surprisingly, much of the existing effort is funded by Forest Health Management or the National Forest System. For example, the model project—the Dorena Genetic Resource Center, in Oregon—is under the NFS. The Dorena center has made heartening progress in developing pathogen-resistant Port-Orford cedar and white pines; seedlings are now being planted by Federal agencies, Tribes, and others. The Dorena Center is also advising partners in the Forest Service and other federal, state, Tribal, and academic institutions engaged in resistance-breeding for ashes and two tree species in Hawaii, koa and ohia.

CISP supports efforts to develop improved performance metrics. Measuring "acres treated" doesn't cover the extent of activities that should be undertaken.

Finally, CISP supports the USFS' Urban Forestry programs in both the State and Private and Research divisions. Improving management of the 140 million acres of urban forests—through recommendations based on research—will contribute to solving many environmental and social problems and enhance our Nation's ability to respond to introductions of non-native insects and pathogens.

Thank you for addressing these matters. I would be pleased to provide additional information.

[This statement was submitted by Submitted by Faith T. Campbell, President, Center for Invasive Species Prevention.]

PREPARED STATEMENT OF THE CHEMICAL SAFETY AND SUSTAINABILITY

On behalf of the Physicians Committee for Responsible Medicine, thank you for the opportunity to submit this written testimony regarding the appropriations request described below for an increase of \$11.3 million for the Chemical Safety and Sustainability (CSS) Research Program and accompanying report language for advancing New Approach Methodologies (NAMs) for the Environmental Protection Agency (EPA). The Physicians Committee is a 501(c)(3) nonprofit organization with nearly one million members and supporters worldwide working for effective, efficient, and ethical medical research and product testing.

As you craft the FY 2024 Interior, Environment, and Related Agencies Appropriations bill, the Physicians Committee asks that you please consider the following provision to advance the implementation of predictive human-specific science, facilitate faster development of safe products, and reduce animal testing.

Thank you for your consideration and please do not hesitate to reach out with any questions.

PA NEW APPROACH METHODOLOGIES FUNDING

The Physicians Committee requests that the subcommittee include funding and report language for the EPA to continue and expand activities to support NAMs, including through the publication of policy updates, employee trainings, and additional full-time equivalents (FTEs).

The EPA's December 2021 New Approach Methods Work Plan defines NAMs as "any technology, methodology, approach, or combination that can provide information on chemical hazard and risk assessment to avoid the use of animal testing."¹ These modern test methods, including computer models and in vitro cell and tissue-based approaches, can now replace many animal-based tests. Traditional animal methods are prohibitively expensive and time-consuming, delaying needed regulations to protect vulnerable communities from toxic chemicals in the environment and prevent the introduction of potential new toxicants. In contrast, by using cells and components of primarily human origin, NAMs can better account for variations within human communities, including in genetic backgrounds, pre-existing conditions, and stages of life, than animal tests. The Frank R. Lautenberg Chemical Safety Act for the 21st Century amended the Toxic Substances Control Act (TSCA) to prioritize reduction and replacement of animal tests and increase the use of NAMs by requiring industry to "first attempt to develop the information by means of an alternative test method or strategy identified by the [EPA] ... before conducting new vertebrate animal testing."² This mandate is essential to addressing the disproportionate exposure to toxic chemicals faced by communities of color, and low-income and indigenous communities. A product of the Lautenberg Act was the TSCA Strategic Plan on NAMs, which sets out a framework for reaching animal testing reduction and replacement objectives and includes long-term ongoing steps. The 2021 New Approach Methods Work Plan is another related policy document issued by the EPA, which provides further strategies, deliverables, and timelines.

Congress has expressed support for the EPA to continue developing and evaluating NAMs via previous appropriations report language; however, inadequate funding for this purpose has prevented full implementation of the agency's plans. The EPA maintains ongoing efforts to advance NAMs for chemical testing, including in the Office of Pesticide Programs and the Office of Research and Development, but limited resources and competing agency priorities often delay progress on NAMs implementation. With this request, the Physicians Committee is supporting the EPA's requested funding increase of \$11.3 million to the CSS Research Program for FY24 for activities to advance NAMs. Although the CSS Research Program is spearheading a lot of NAMs work, the development and evaluation of NAMs has cross-cutting, agency-wide applications. This further investment in NAMs activities would improve the EPA's capacity to prioritize this work among other agency priorities, meet strategic planning goals, and properly integrate NAMs into agency policies and practices.

Additionally, this requested report language would ensure that the EPA uses funding to address key areas of improvement for advancing NAMs, including updating policies to clearly communicate to industry which NAMs are accepted for certain uses, and establishing regular staff trainings on NAMs to ensure employees involved in chemical assessments are up to date with the latest scientific advancements.

¹USEPA 2021. New Approach Methods Work Plan (v2). U.S. Environmental Protection Agency, Washington, DC. EPA/600/X-21/209.

²The Frank R. Lautenberg Chemical Safety Act for the 21st Century. Pub Law. 114-182

To support innovation at the EPA through accelerated development and evaluation of NAMs, the Physicians Committee requests that the subcommittee provide an increase of \$11.3 million for the CSS Research Program to advance NAMs and adopt the following report language:

New Approach Methodologies.- The Committee notes that Public Law 114–182 (the Lautenberg Act) requires the agency to consider nonanimal tests prior to requiring testing using vertebrate animals, and prioritize strategies to replace, reduce, and refine the use of vertebrate animals. The Committee also notes that New Approach Methodologies (NAMs), including in vitro tests, in chemico assays, and in silico models, represent key advances in science to improve hazard and risk assessments of pesticides and chemicals. The Committee provides \$11,328,000 for the agency to continue and expand activities to develop, build confidence in, and implement NAMs to meet deadlines and goals set in the 2021 New Approach Methods Work Plan and the TSCA Strategic Plan on NAMs. Among these efforts, the Committee directs the agency to publish updated policies outlining the acceptance of scientifically supported NAMs for specified applications, implement annual trainings on NAMs for employees involved in hazard and risk assessments, fund additional FTEs to support NAMs implementation, and continue to engage in Federal and nongovernmental organization collaborations.

[This statement was submitted by Elizabeth Baker, J.D., Regulatory Policy Director, Physicians Committee for Responsible Medicine.]

PREPARED STATEMENT OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION

Chair Merkley, Ranking Member Murkowski and Members of the subcommittee, on behalf of the Chippewa Cree Tribe I am pleased to provide this testimony in support of strong funding in Fiscal Year 2024 for Tribal programs at the Department of the Interior and the Indian Health Service under the subcommittee's jurisdiction. I am Harlan Baker, and I have the honor of serving as the Chairman of the Tribal Business Committee for the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation. Our Tribe totals nearly 6,200 enrolled members and our reservation encompasses over 122,000 acres in north central Montana, in one of the most remote and rural areas in the United States.

We want to express our deep appreciation to the Chair and Ranking Member and others on this subcommittee who have continued to stand by our Nation's commitment to its Indian Tribes. In enacting the FY 2023 Appropriations bill you have demonstrated once again that Indian affairs is a bi-partisan area where members of both parties recognize that the Federal trust responsibility, one of the most important doctrines in Federal Indian law, derives from the treaties between Tribal nations and the U.S. government. It is the obligation of the Federal Government, including all branches and agencies, to protect Tribal self-governance, Tribal lands, assets, resources, and treaty rights, and to provide adequate funding to carry out the directions of Federal statutes and court cases.

As a Self-Governance Tribe, the Chippewa Cree Tribe strengthens our ability to determine our own future and our ability to govern our people at both the local level where we are providing the direct services to our people and at the National level where we build and strengthen our government-to-government relationship with the United States Government. Adequate support from the Federal Government is crucial to ensure we have a safe and thriving community for our people.

We express our appreciation as you have allowed for some growth in Federal funding for important Tribal programs in recent years and we urge you to resist any proposals that seem terribly disconnected to the reality of life in Indian Country that would cut back funding to some of the most impoverished people in the United States. We understand the need to balance the budget but first we need to get to the point where we have something even remotely resembling parity with the rest of the population outside Indian Country.

We urge the subcommittee to build on recent progress and enact the initiatives called for in the President's Budget Request that present an historic opportunity for a transformation in the relationship between Tribes and the Federal Government and that seek to restore some of the promises made to our ancestors by providing increased resources in several key programs. This includes requesting mandatory funding for the Indian Health Service (IHS), Contract Support Costs at the Department of the Interior (DOI), and Section 105(l) Tribal Leases; along with increased investments in Indian healthcare, education, public safety, natural resource management, and infrastructure. These historic budget and policy proposals for Tribal

programs, which Tribal leaders have long advocated for, are long overdue, and are prepaid for by our ancestors.

FUNDING FOR THE INDIAN HEALTH SERVICE (IHS)

Because of the rural nature and isolated location of our Tribe we are challenged with a low economic base, increasing medical and pharmaceutical costs, large distances to travel to access specialty care, and problems with the recruitment and retention of medical providers. Additionally, the COVID-19 pandemic has had a devastating impact on Tribal citizens. In fact, according to data from the Montana Department of Public Health and Human Services released in 2021, while Native Americans in Montana make up only 7% of the State's population, we accounted for more than 20% of the COVID-19 cases, and sadly, are dying from the disease at a rate 11 times higher than white residents. The health disparities between Native Americans and other groups in the U.S. has been well documented for years. Yet, according to IHS data from April 2022, actual IHS spending per user remains less than half of Medicaid spending per enrollee, less than half of Veterans medical spending per patient, and less than one-third of Medicare spending per beneficiary—even after including third party revenue received by IHS. Congress must take action to provide the resources to the IHS and Tribal health programs to improve the well-being of our people. We support the recommendations of the IHS National Tribal Budget Formulation Work Group and call on Congress to provide full needs-based funding of the IHS in FY 2024.

We are particularly grateful that in the FY 2023 omnibus spending law Congress enacted for the first time Advance Appropriations for the Indian Health Service (IHS) in FY 2024. This was a long-sought goal and is much needed to ensure that Tribes can better meet the health needs of our people. As you know, short Continuing Resolutions (CRs) make it difficult to hire and retain staff, and enter into long term (financially advantageous) contracts with vendors and suppliers. When you operate on the margins like IHS, Tribal and Urban Indian Health programs do, short term funds are just not practical and limits the care provided to our patients. On an advance appropriations cycle, Tribal health care providers, as well as the IHS, now know the funding a year earlier than was previously the case under often lengthy CRs. In addition to protecting Tribal members from the harmful effects of a shutdown, providing advance appropriations will allow Tribal health programs the ability to better recruit and retain health professionals, to better plan programmatic activity over several years, thereby leading to better health outcomes for our people and decreased long-term healthcare costs. Further savings will be achieved by allowing long-term contracts with outside vendors and suppliers. All of these benefits come at no additional costs to the Federal Government. We would urge the subcommittee to make permanent Advance Appropriations for IHS, while we work toward the goal of mandatory funding.

PUBLIC SAFETY FUNDING AT THE BIA

Like many Tribes we are seeing a drastic increase in drug trafficking and related crime coming onto our lands. There is a significant need for the Federal Government to improve law enforcement resources and bring State and local authorities to the table with Tribes to address public safety. Congress needs to provide additional resources to BIA law enforcement, the U.S. Attorney's Offices, the FBI, and other agencies to help us stem the flow of illegal drugs, investigate crimes, and prosecute offenders. The underfunding of Tribal law enforcement and justice systems is well-documented. In 2022, the Bureau of Indian Affairs (BIA) submitted a report to Congress required by the Tribal Law and Order Act estimating that to provide a minimum base level of service to all federally recognized Tribal nations, \$1.3 billion is needed for Tribal law enforcement, \$1.2 billion is needed for Tribal courts, and \$240.6 million is needed for existing detention centers. Based on actual funding provided in FY 2023, Tribal law enforcement, detentions/corrections, and Tribal courts are funded at a staggeringly low 18.6 percent of estimated need.

The funding short falls for law enforcement endangers public safety on our reservation and forces us to use Tribal discretionary funds which means less resources in other areas and it hampers future business development. Another complicating factor is that our police and detention officers are required to be federally trained, however the state of Montana has an excellent officer training program and it would be more efficient financially and logistically to take advantage of the Montana Law Enforcement Academy. The BIA needs to provide more flexibility in allowing officers to train at state academies rather than needing to go the Federal training center in New Mexico, which often has a long wait list. In line with recommendations put forth by the Tribal Interior Budget Council (TIBC) we urge this subcommittee to

provide \$2.924 billion for Public Safety and Justice funding, with approximately \$1.766 billion for BIA Law Enforcement and \$1.155 billion for Tribal courts in FY 2024.

BIA SELF-GOVERNANCE FUNDING

As I mentioned earlier in my testimony, we are a Self-Governance Tribe and have carried out all functions of the Bureau of Indian Affairs and Indian Health Service on our Reservation for decades. Under the Indian Self-Determination and Education Assistance Act (ISDEAA) the Federal Government is supposed to provide the funding necessary for Tribal nations that have elected to use Self-Governance for the delivery of programs and services to our citizens and communities. However, current funding levels are insufficient and funding over the past decade has remained flat, which is taking into account current inflation is actually a decrease.

There have also been delays in the BIA distributing funding to self-governance Tribes. These delays have resulted in our Tribe being forced to collateralize discretionary resources to secure operating lines of credit and encumber interest rates and other fees. The funding mechanisms used by the BIA need to be streamlined to ensure Tribes receive their funding in a timely manner and have the flexibility needed to operate programs and provide services in the way that works best for our people. We encourage Congress to ensure full funding of BIA programs based on need and hold the agency accountable to ensure that this funding is allocated to Tribes in a transparent, fair and timely manner.

Thank you again for the opportunity to submit this testimony and I urge the members of this subcommittee to work with your colleagues to provide robust funding for Tribal programs in FY 2024 to ensure that we have the resources needed to provide basic and essential services to our people and ensure their health, safety, and wellbeing.

[This statement was submitted by Harlan Baker, Chippewa Cree Business Committee Chairman.]

PREPARED STATEMENT OF THE CHIPPEWA OTTAWA RESOURCE AUTHORITY

INTRODUCTION

Aanii (Hello)! I am providing this testimony regarding FY 2024 funding in my capacity as President of the Bay Mills Indian Community, an Ojibwe Tribal Nation located on the south shore of Lake Superior in Michigan's Upper Peninsula. My Tribal Nation is a member of the Chippewa Ottawa Resource Authority (CORA) and I serve on the Board of that inter-Tribal entity, and present this testimony on CORA's behalf.

CORA is a consortium of five federally recognized Tribal Nations 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 cannot emphasize enough the importance of Federal funding to support the exercise of reserved treaty rights and management of natural resources protected by these treaties. Within the Department of the Interior annual budget exists funding for the Rights Protection Implementation (RPI) program. That program provides to those Tribal Nations with judicially-recognized reserved usufructuary rights, funds which are necessary to protect and preserve the ability of the Tribal Nations to facilitate sustainable use and enjoyment of these protected natural resources. RPI funds are targeted to enable Tribal Nations to identify and implement appropriate management and protection activities, to utilize expert management and biological services, and to employ sufficient law enforcement personnel enforce Tribal, State and Federal laws regulating the natural resource use and protection.

In FY 2023, RPI funding in the amount of \$6,994,659.00 was provided to CORA's Tribal Nations. This level of funding is essential to the ability of each Tribal Nation to carry out the obligations under current Consent Decrees, and additional funding in the amount of \$8,237,031.00 is needed to fund the additional Tribal responsibilities and obligations under a successor Great Lakes Consent Decree currently under the consideration of the U.S. District Court for the Western District of Michigan.

BACKGROUND

In 1836, the Ojibwe (Chippewa) and Odawa (Ottawa) Tribal Nations (“CORA Tribal Nations”) in Michigan negotiated a treaty with the United States that ceded lands to the Federal Government which were used to create the State of Michigan in 1837. The ceded lands comprise more than forty per cent (40%) of what is now the State of Michigan. However, the CORA Tribal Nations reserved the right to hunt, fish, trap and gather throughout the ceded territory, including the waters of Lakes Michigan, Huron, and Superior.

Thereafter, Tribal members continued to exercise their treaty-guaranteed rights. Their ability to do so was adversely impacted by the State of Michigan, which in the 1950’s and 1960’s asserted its authority to exclusively regulate hunting and fishing by Tribal members and to limit what activities were protected by the Treaty. At that time, only the Bay Mills Indian Community was a federally recognized Tribal Nation, so its Tribal members, including my grandfather, Albert “Big Abe” LeBlanc, resisted State efforts to control treaty-protected activities and continued to hunt and fish with traditional gear and without a State License.

The resistance culminated in 1971, with the citation of Albert “Big Abe” LeBlanc for fishing in Lake Superior with gill nets, then a State criminal offense. In defense, the Bay Mills Indian Community supported its fisher’s positions that the rights reserved in the 1836 Treaty continued to exist and supersede Michigan fishing regulation under the Supremacy Clause of the U.S. Constitution. The case wound through various State court levels, culminating in 1976 with the issuance of a decision by the Michigan Supreme Court, holding in *People v. LeBlanc* that the right to fish in the Great Lakes waters ceded in the Treaty of 1836 continued to exist, and that the State could apply its law to Treaty-protected fishing if it could demonstrate that the regulation is necessary to conserve the resource.

The ongoing battle shifted to Federal court, as the United States had filed suit in 1973 against the State of Michigan, on the grounds that Michigan lacked the right to regulate treaty-protected Great Lakes fishing activities. The case is known as *United States v. Michigan* and remains an open case file. The Bay Mills Indian Community and Sault Ste. Marie Tribe of Chippewa Indians joined the case as intervenors prior to trial. In 1979, the trial court declared that the right to fish in the Great Lakes waters ceded in 1836 continues to exist; the decision is known as the “Fox Decision.” The Grand Traverse Band of Ottawa and Chippewa Indians intervened in the case within the year.

Many issues remained unresolved, as the Fox Decision did not determine what gear could be employed in the Treaty fishery, what species could be harvested, when harvest could occur, and most importantly, what amount of fish of each species could be taken by Tribal fishers. All the parties in the case—United States; State of Michigan; Bay Mills Indian Community; Sault Ste. Marie Tribe of Chippewa Indians; and Grand Traverse Band of Ottawa and Chippewa Indians—participated in court-ordered negotiations which resulted in a comprehensive agreement regarding allocation of harvest opportunity, management, and regulation and was approved and entered as an order of the court in May 1985.

That agreement was for a term of 15 years, and was succeeded by a new agreement covering allocation, management, regulation, enhancement and restoration of the Great Lakes fishery which was negotiated by all the prior participants and joined by the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. This successor agreement was signed on August 7, 2000, for a term of 20 years. All the parties have been working on a third agreement since the fall of 2019, and continuing to manage the fishery under the terms of the 2000 agreement until it is superseded by a successor agreement. A proposed comprehensive agreement was filed with the trial court on December 11, 2022, which is currently the subject of review by the court, including hearings to hear objections by any party which does not agree with the 2022 proposed Decree. They are scheduled for May 24 and 25, 2023.

Under these circumstances, the final text of the successor comprehensive Decree is not complete. What is clear is that the CORA Tribal Nations must create more frequent and comprehensive harvest reporting and oversight, so that stressors of the fishery are identified and management strategies developed and implemented to address them. Harvest is not the primary source of fish mortality in this century; instead, water quality, higher water temperatures and invasive species are causing the fishery to change in ways that must be closely monitored to identify and remediate impediments to a healthy fish stock for decades.

These activities will require additional funding to address them.

The parties have also addressed the nature and scope of inland treaty-protected activities in the 1836 Treaty ceded lands. In 2007, the parties abandoned planned

litigation on this subject in favor on negotiating a separate agreement addressing the treaty-protected rights to hunt, fish, and gather on all lands and inland waters ceded in the 1836 Treaty. This comprehensive agreement was entered as an order of the Federal district court, which has no termination date. Among other matters, the Consent Decree recognizes exclusive Tribal regulation of member hunting, fishing, trapping and gathering activities, and allocates harvest opportunities for elk, bear, and sturgeon. Joint management protocols for certain species are also created as well as cooperative law enforcement agreements.

In each comprehensive agreement to date, the management framework has been approved and ordered by the court in the *United States v. Michigan* litigation. Equally significant is the active role of the Federal Government in negotiating the terms of these cooperative resource management frameworks.

FY 2024 BUDGET REQUEST: RIGHTS PROTECTION IMPLEMENTATION

Currently, CORA's Tribal Nations receive funding through the "Treaty Fisheries" line item in the Rights Protection Implementation (RPI) program for the Great Lakes Treaty fishery. ("Inland treaty rights" are separately funded within the RPI program and are addressed separately.) That line item supports the following activities, with additional activities for which funding is sought 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 Great Lakes fishing conservation cases;
- Additional oversight of harvest activities by biological staff and enforcement personnel;
- Implementation of electronic harvest reporting by Tribal fishers and wholesalers and maintenance of inter-Tribal harvest reporting system;
- Monitoring of environmental factors which adversely affect the treaty fishery;
- Establishment of and/or cooperation with Federal and State researchers in remediation projects to address identified environmental factors' impact on fish stocks; and
- Invasive species monitoring and controls.

CORA's Tribal Nations also receive RPI funding relating to "inland treaty rights" implementation of the 2007 Consent Decree. The following activities are supported:

- 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
- Inter-Tribal coordination of activities and policies with Federal and State agencies.

CORA does not, and cannot, support any budget request for RPI funds in FY 2024 that is less than the sum appropriated for FY 2023. CORA supports a proportionate share of no less than \$49,5420,000, the amount of Rights Protection Implementation funding proposed in FY2024, but supports full funding for the RPI line item at no less than \$66,000,000. CORA also supports GLRI funding of no less than the FY 2024 proposed appropriation of \$358,154 million, including no less than a 5% share for a distinct Tribal program.

Less funding, especially in light of the soon to be completed Great Lakes Treaty Fishing Decree this year, will require severe cuts to conservation, monitoring and enforcement activities, with attendant staff layoffs. That situation will not only increase conflict between Tribal Nations and other communities over resources, but will also significantly reduce the level of protection of the fishery, wildlife and habitat throughout the ceded territory. It is almost a certainty that the parties to these management and allocation agreements will bring disputes over program changes to the Federal court for resolution.

CORA requests that Rights Protection Implementation continue to be a budget priority, and that CORA's Tribal Nations' share be increased for FY 2024 to \$8,237,031.00, which is added to the Great Lakes base funding, for the identified purposes listed above.

[This statement was submitted by Whitney B. Gravelle, President of the Bay Mills Indian Community, Member of the Chippewa Ottawa Resource Authority, Board of Directors.]

PREPARED STATEMENT OF THE CHUGACH REGIONAL RESOURCES COMMISSION

My testimony is regarding the Department of Interior—Bureau of Indian Affairs—Natural Resources Management—Tribal Management Development Program funding on behalf of the Chugach Regional Resources Commission (CRRC). CRRC requests an increase to the FY 2024 appropriation of our Natural Resources Management—Tribal Management Development Program (TMDP) within the Bureau of Indian Affairs (BIA) to a recurring Federal base program award of \$1.18 million (50% of our operating budget) to develop and manage the natural resources located within the Chugach Region of Alaska, expand the resource management capabilities of the Tribes located there, and conduct vital research and mariculture activities at the Alutiiq Pride Marine Institute (APMI) in Seward. We also request that you exercise your oversight power to ensure that Tribal nations receive self-determination and self-governance funds in a timely manner, with appropriate communication from the BIA.

Thank you for the opportunity to provide testimony to the subcommittee on the FY 2024 Federal budget. We value this opportunity since you are vested with both the authority over appropriations and with the responsibility to ensure the Federal trust responsibility is fulfilled to Tribal nations without discrimination or uneven treatment—even if such treatment is unintentional. We submit this testimony to urge you to bring our Tribal citizens' services up to the same level of support as the other programs that perform natural resources management activities under contracts and compacts with the Federal Government.

CRRC is an inter-Tribal fish and wildlife commission authorized as a Tribal consortium under the Indian Self Determination and Educational Assistance Act of 1991. We provide essential governmental services to Tribal citizens in the Chugach region of Alaska, an expanse of 20,000 square miles of marine waters and more than 5,000 miles of coastline surrounded in large part by the Chugach National Forest. Our seven member Tribes founded CRRC to respond to the devastation of our ecosystem and traditional food sources caused by the 1964 earthquake and the catastrophic 1989 Exxon Valdez Oil Spill, which dumped millions of gallons of crude oil into our region. CRRC supports the health, economic stability, food security, and continuity of traditional ways of life for people throughout the entire Chugach region. We perform all these duties working with our Federal, State, and local partners. By providing stable and sufficient Federal funds for our work, the benefits are not felt just at the local level in Alaska. Every dollar of TMDP funds for CRRC also results in decreased need for Federal services in a remote region of Alaska.

A. Your Oversight Is Needed To Require The BIA To Communicate With Tribes And Make Payments On Time

Imagine you don't receive a paycheck after 1 month of work. When you ask why, your company doesn't explain or let you know when you can expect to be paid for the work you already did. Then another month goes by. After 9 months, you still have not been paid, but your rent, utilities, and living expenses have continued to pile up. You scramble to take out loans, find other work, and rob Peter to pay Paul to make ends meet. Today, this is the situation we are in.

Nine months into the fiscal year, we have not received any funds for the responsibilities we continue to fulfill under the Indian Self-Determination Act. Nor have we been able to get any response from BIA about when funds may be expected, or even when we may be able to sign paperwork. We have to consider whether to furlough our staff or borrow other funds. And we have no recourse but to wait or to file a lawsuit. This situation is not unique to this fiscal year—it is a situation we confront year after year. We still have not been paid contract support costs for FY 2020. And every year we have to decide what to do when funds have not arrived 3 months, 6 months, or 9 months into the fiscal year. This is the opposite of the alignment of resources to responsibilities that we should expect from our Federal trustee. We implore you to exercise your oversight power and require BIA to pay contracts and compacts on time, and to report to you when they do not.

During last year's budget process, Congress worked hard to enact the budget and allow the government to take up FY 2023 activities in a timely manner. Federal agencies, including the BIA, received their funds at the start of the fiscal year on October 1. Yet not all Tribal nations are accorded the same treatment by the agency

designated to carry out Federal trust responsibilities for self-determination and self-governance.

Despite our repeated requests to BIA officials, we have never received written confirmation of our true recurring base award of TMDP funds in advance of annual negotiations with the BIA. Nor do we know our base funding for FY 2023, even 9 months into the fiscal year. This makes efficient planning and budgeting impossible. This is not how Tribal organizations should have to operate. Tribal organizations deserve this information. Delays in the payment of our funding and uncertainties about our contract's true "Secretarial amount" undermine our program goals and our ability to carry out services for our region's Native population. This in turn undermines the Federal work in our region, since it jeopardizes CRRC's work on the government's behalf.

We respectfully ask the subcommittee to include report language directing the BIA to report back to the subcommittee on any funds that are disbursed to Tribes later than is permitted in self-determination and self-governance Annual Funding Agreements (typically 10 days after the start of the fiscal year). We also request that you require BIA to include in future budget submissions to Congress its requested recurring TMDP funding amount for each of the nearly three dozen programs financed within TMDP—and to notify the Tribal organizations in the TMDP program of the funding requests that BIA has prepared on their behalf. Without such information, CRRC and other Tribal organizations are left to guess what our recurring funding level is when Interior officials do not disclose it to us. Doing so would permit Tribal organizations like CRRC to know what our fiscal year base award amount is, and to plan, budget, and negotiate our upcoming Annual Funding Agreement with the BIA with certainty.

B. A History Of Unequal Treatment Can Only Be Made Right By Increasing CRRC's Budget To A Similar Level As Other TMDP Programs

CRRC currently receives less than a quarter of its current operating budget from BIA. We cobble together enough funds to meet our member Tribes' needs through vigorous efforts to secure grant and private funding, and we sometimes are faced with difficult decisions of which services to provide or deny to our citizens. In 2021, we timely submitted a request to BIA for a budget increase for FY 2023 for our funds from the TMDP subaccount. BIA denied our request, citing a lack of funds. So we were shocked to see that the President's FY 2023 budget proposed—and Congress awarded—increases for every TMDP recipient except for CRRC.

CRRC has not had any program funding increase in the past 10 years, while the funding for the TMDP subaccount has more than doubled in that time—from \$9.2 million in 2013 to \$18.5 million in FY 2023. Our Tribal member base and services have also increased exponentially during that time. There is a funding increase of \$114,000 proposed for the TMDP subaccount in the FY 2024 budget, yet our funding remains flatlined.

The increases to the TMDP account that appropriators have included in annual spending measures is a great testament to the efforts of Congress and all the Tribal recipients of TMDP funds. It reflects Congress's commitment to fulfill its trust responsibility to support these important programs. But during that same period, we have seen our funding arbitrarily and unilaterally reduced in the President's Budget Justification from \$410,000 to as low as \$348,000. For example, among the 35 TMDP Programs funded in FY 2018, our program was the only program singled out by the Administration for a 15% cut.

Over the years, CRRC has not received critical recurring budget increases equal to the growth of the TMDP account, while carrying out similar subsistence fish and shellfish management services, habitat restoration, and mariculture activities for our member villages. In prior years, arbitrary reductions by the BIA to CRRC's TMDP base recurring funding level undermined our services, reduced our natural resource and marine research and development, stretched our limited resources, and made it difficult to retain staff. In 2020, we were forced to file a Contract Disputes Act claim against BIA to challenge these reductions—in which we prevailed. We need budget certainty, without extraneous administrative burden.

C. Meeting CRRC's Budget Needs Upholds Your Federal Trust Responsibility And Saves Federal Dollars

The annual recurring Federal budget increase that we request will bring our program back into parity with the other TMDP programs and allow CRRC to:

- Protect and reinvigorate traditional subsistence species and their habitat;
- Sustain shellfish sanctuaries at Tribal beaches throughout the region;

- Expand our study of ocean acidification as part of the Alaska Ocean Acidification Network and its impact on fish and shellfish stocks;
- Expand the subsistence fishery in Nanwalek to rejuvenate the availability of fish for direct consumption;
- Expand our community-driven water sampling project, which provides vital information on the safety of shellfish stocks and helps prevent paralytic shellfish poisoning in Alaska Natives and others engaged in shellfish gathering throughout the region;
- Conduct natural resource efforts on behalf of our Tribes, including wetlands monitoring and planning, traditional foods advocacy and protection, climate change vulnerability and adaptation planning, subsistence resource advocacy, and the development and management of a Tribal Conservation District;
- Expand our production of oyster and littleneck clams, geoducks, cockles, and razor clams;
- Educate Alaska Native youth in science, sustainable fishing, mariculture farming, and hunting;
- Provide resources and education on kelp farming to potential Tribal entrepreneurs within the region;
- Enhance the monitoring and refinement of our Natural Resource Management Program objectives for each of our Alaska Native villages; and
- Support the documentation and use of traditional Alaska Native ecological knowledge in Tribal, Federal, and State regulation and management decisions.

For FY 2024, we would like to increase TMDP funding to a level that will permit us to cover 50%, or \$1.18 million, of our target operating budget of \$2.36 million with these program funds. A \$2.36 million operating budget includes \$1.375 million to cover the salary and fringe benefits of 14 full-time staff, including a Mariculture Director, Science Director, Marine Mammal Program Coordinator, Fish and Wildlife Coordinator, Environmental Coordinator, Shellfish Technician, Ocean Acidification Lab Manager, Nanwalek Salmon Technicians, Inter-Tribal Liaison, Climate Specialist, and Executive Director. Another \$400,000 is required for salary and fringe benefits for six (6) additional positions, including two additional Hatchery Technicians (totals \$71,500 with fringe benefits), a Research Scientist position and Tribal Conservation District (TCD) Program Coordinator (totals \$177,320 with fringe benefits), and an Executive Assistant and Maintenance Supervisor (totals \$150,150 with fringe benefits). CRRC also covers Tribal special projects in our villages, travel costs to and from villages, and program costs for our annual subsistence gathering.

Federal investment in CRRC translates into community investments that have a great impact on the Chugach Region of Southcentral Alaska. CRRC fills gaps in data from Federal and State wildlife management agencies and assists in the creation of sustainable mariculture jobs for our Alaska Native people. We help protect the health, economic stability, and food security of our member villages. This is a vital lifeline while continuing fallout from the pandemic and supply chain challenges create drastic conditions of food and economic insecurity in our Villages.

Our programs also support future economic and commercial opportunities for the Prince William Sound and Lower Cook Inlet regions through the protection and development of the Alaskan shellfish industry and other natural resources. We provide seed stock to mariculture operations around the State and contribute to research on mariculture, techniques for species enhancement, and the effects of climate change on our ecosystem. These activities are essential to develop a science-driven approach—informed by Indigenous Knowledge—to address the declining populations of the species that Alaskans, especially Native Alaskans, depend on.

Increasing TMDP funds for CRRC also benefits the Federal Government by decreasing the need for Federal activities in a remote region of Alaska. It costs much more for the Federal Government to conduct direct oversight and program activities, travel, and transportation than for CRRC to locally manage such activities.

Our work is important for food security throughout our vast region, and for the future of the mariculture industry in all of Alaska. We require a stable Federal budget, together with the timely payment of contract support cost funds, to help us perform our programs, pay staff, and operate and maintain the hatchery.

Please help us achieve our mission. We urge the subcommittee to build upon any increases it has planned for the BIA's TMDP account, and to include CRRC in those increases. Thank you for giving us the opportunity to share our FY 2024 budget needs.

[This statement was submitted by Willow Hetrick-Price, Executive Director of Chugach Regional Resources Commission.]

PREPARED STATEMENT OF THE COALITION FOR AMERICAN HERITAGE

The Coalition for American Heritage (“the Coalition”) is an organization comprised of heritage professionals, scholars, small businesses, non-profits and history-lovers across the country. Our 350,000 members work together to promote our Nation’s commitment to historic preservation. Preserving historic resources helps stabilize neighborhoods, attract investment, create jobs, generate tax revenues, support small businesses, and power America’s heritage tourism industry.

We appreciate the strong funding provided to historic preservation programs in recent Interior Appropriations legislation. Investing in these programs will help ensure the continuance of our country’s proud tradition of preservation. The Coalition requests robust funding for all of the U.S. Department of the Interior’s historic preservation and cultural management programs, and for the National Endowment for the Arts and the National Endowment for the Humanities. Respectfully, the Coalition urges the Committee to approve the following funding levels for FY24:

- NPS Historic Preservation Fund: \$225 million
- National Recreation and Preservation, African American Burial Grounds Preservation Program: \$3 million
- NPS National Heritage Areas and Heritage Partnership Program: \$34 million
- BLM National Conservation Lands: \$78 million
- Advisory Council on Historic Preservation: \$10.5 million
- National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH): at least \$211 million for each one

NATIONAL PARK SERVICE

The popularity of our National parks is at an all-time high. Our country cannot afford unwarranted reductions to visitor services and cuts to the responsible stewardship of our historic and cultural resources. The NPS is responsible for 418 National Park System units. Over the past 20 years, more than 40 new parks have been added to the park system. Many recent additions preserve historic places and themes that have traditionally been underrepresented within the system.

Within the requested funds, we recommend robust funding for Resource Stewardship, including the National Underground Railroad Network to Freedom, the African American Civil Rights Network, and the Reconstruction Era National Historic Network. Funding for these popular initiatives provides the public with valuable educational resources that honor and preserve our country’s rich African-American heritage and history for future generations.

We also urge the Committee to address the deferred maintenance backlog at America’s national parks. Almost half of the current backlog concern historic assets. Robust investments in this area will contribute to the successful preservation of historic sites and structures and other NPS cultural resources. Without critically needed funding for repair and rehabilitation, these critical sites, buildings and artifacts that draw visitors to our National parks’ assets risk further deterioration and potential loss.

NPS HISTORIC PRESERVATION FUND

We urge the Committee to appropriate \$225 million in FY24 for the Historic Preservation Fund (HPF), a vital program that, in partnership with States, local governments and Tribes, is the cornerstone of our country’s historic preservation initiatives.

Within the \$225 million request, we recommend the following funding breakdown:

- \$70 million for State Historic Preservation Officers (SHPOs) for heritage preservation and protection programs.
- \$34 million for Tribal Historic Preservation Officers (THPOs).
- \$28 million for competitive grants to document, interpret, and preserve historic sites associated with the Civil Rights Movement.
- \$7 million for the competitive grants program to preserve the sites and stories associated with securing civil rights for all Americans, including women, Latinos, Native Americans, Native Hawaiians, Alaska Natives, and LGBTQ Americans.
- \$40 million for Save America’s Treasures grants for the preservation of nationally significant sites, structures, and artifacts.
- \$13 million for grants to Historically Black Colleges and Universities to preserve and repair historic buildings.

- \$17 million for Paul Bruhn preservation grants to revitalize historic properties of national, State, and local significance.
- \$5 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.
- \$11 million for the Semiquincentennial Grants program.

NATIONAL RECREATION AND PRESERVATION

The Coalition asks the Committee to provide \$3 million for the recently established African American Burial Grounds Preservation Program, a program the Coalition strongly supports. The African American Burial Grounds Preservation Program will help identify burial grounds ahead of infrastructure projects and commercial development, thereby minimizing construction delays and avoiding unnecessary community heartache. These sacred sites, and the stories they tell, are an integral part of our American heritage. This legislation will assist descendants and communities in honoring and remembering their shared past by providing grant monies to identify, interpret, and preserve historic cemeteries.

The Coalition support the President's budget request for \$1 million in additional resources for NPS administration of grant programs commensurate with recent increases in funding for National Recreation and Preservation grant programs, such as Native American Graves Protection and Repatriation, Japanese American Confinement Sites, American Indian and Native Hawaiian Art and Culture, the 9/11 Memorial Act, and multiple Historic Preservation Fund (HPF) programs that provide competitive grants to preserve the stories of civil and equal rights and underrepresented communities.

NPS NATIONAL HERITAGE AREAS

We recommend \$34 million in funding for the Heritage Partnership Program and our National Heritage Areas (NHAs). Through the use of public-private partnerships, NHAs support historic preservation, heritage tourism, and recreation. These programs collaborate with communities to make heritage relevant to local interests and needs.

BLM CULTURAL RESOURCES MANAGEMENT

We recommend \$25 be allocated to BLM Cultural Resources Management. We appreciate the Committee's ongoing oversight of BLM's ability to oversee the largest, most diverse collection of historic and cultural resources on America's public lands. It is vital that BLM has sufficient staff to support Section 106 reviews, monitor compliance with the Native American Graves Protection and Repatriation Act, and consult with Tribes.

We respectfully request that the committee provide \$1 million in dedicated funds to enhance its National Cultural Resources Information Management System (NCIMS). This funding would also support ongoing collaboration with state historic preservation offices to standardize and integrate cultural resources data for BLM lands. Strengthening BLM's ability to update predictive modeling and data analysis will enhance the agency's ability to address large-scale, cross-jurisdictional land-use projects.

BLM NATIONAL CONSERVATION LANDS

We urge a \$78 million FY24 appropriation for the National Conservation Lands. An increase in base funding will prevent critical damage to 36 million acres of congressionally and presidentially designated National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild Scenic Rivers managed by BLM. Increased funding will help achieve President Biden's goal of conserving at least 30% of our lands and waters by 2030.

INDEPENDENT AGENCIES: ADVISORY COUNCIL ON HISTORIC PRESERVATION

We request \$10.5 million for the Advisory Council on Historic Preservation (ACHP), to fund its work to administer the rulemaking process for historic preservation law, assist in resolving conflicts from historic resource reviews, and provide advice on historic preservation.

NATIONAL ENDOWMENTS FOR THE ARTS AND THE HUMANITIES

The Coalition urges the Committee to fund the NEA and the NEH at a minimum of \$211 million each in FY24. Robust funding for the NEA and NEH is critical to communities across America. NEH Preservation Assistance Grants help small and mid-sized institutions—such as libraries, museums, historical societies, archival repositories, cultural organizations, town and county records offices, and colleges and universities—improve their ability to preserve and care for their significant humanities collections, which may include books and journals, archives and manuscripts, prints and photographs, architectural and cartographic records, decorative and fine art objects, archaeological and ethnographic artifacts, furniture, historical objects, and digital materials.

The Coalition is grateful to the Committee for the opportunity to offer its perspective on FY24 appropriations for the Interior, Environment and Related Agencies appropriations bill. The Coalition stands ready to work with the Committee on finding common ground to achieve the FY24 funding levels that will support and enhance historic preservation.

[This statement was submitted by Marion Werkheiser, Policy Director for the Coalition for American Heritage.]

 PREPARED STATEMENT OF THE COALITION TO PROTECT AMERICA'S NATIONAL PARKS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, I am Michael B. (Mike) Murray, Chair of the Executive Council of the Coalition to Protect America's National Parks (Coalition). The Coalition is a non-profit organization composed of more than 2,400 retired, former, and current employees of the National Park Service (NPS) who collectively have over 40,000 years of experience managing and protecting our National parks. The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System. We appreciate the opportunity to present this statement for the record on the FY 2024 Appropriations for the NPS, our National parks, and their partnership grant and assistance programs.

The Coalition was pleased to see the president request an increase in the FY 2024 NPS discretionary budget with his recommendation of a total of \$3.8 billion. This represents over a \$289 million increase for the NPS from the FY 2023 enacted level.

For years, our National parks have been trying to manage dramatically increasing visitation with inadequate operating budgets and staff reductions in parks, program offices, as well as regional and central offices. These reductions resulted in fewer programs, shortened hours of operations, and reduced capacity in the parks to address park maintenance issues and visitor safety. In program offices, reduced staff resulted in less support for parks and programs. Additionally, concerns about adequate funding have led to low staff morale.

The rapid growth in visitation and corresponding decreases in park funding and staffing are resulting in a decline in the quality of visitor experience, the degradation of natural and cultural resources, growing traffic and parking issues as well as crowding, along with increasing safety and public health concerns for both visitors and employees. One major park superintendent told the Coalition that he/she has never been so concerned for the future of the park and for park staff. As just one example, the park's visitation has increased by 90 percent since 2010, yet its funding has declined by 12 percent. Meeting these complex challenges will be difficult, but failing to adequately address these needs equates to failing at the NPS mission of preserving our Nation's natural and cultural heritage while providing for a quality visitor use experience. Park funding and staffing must be increased and additional government housing must be provided or these problems will only grow worse according to numerous park managers.

The actions authorized in the past few years through the Great American Outdoors (GAOA) and Inflation Reduction Acts begin to address the financial shortfalls that the NPS has been experiencing. The concern is that many of these recently appropriated funds are temporary and/or project specific. Base increases that are permanent are needed to ensure that park and program fixed costs are addressed and that staffing is restored to previous levels or increased levels so that parks and programs can address the needs and impacts that increased visitation has on both the visitor experience and safety and protection of park resources. Rebuilding park, program, and regional and central office staff will also address the agency's low employee morale concerns as it will ensure that staff are not asked continually to do more with fewer staff resources.

The president's FY 2024 budget is a good step forward toward addressing important needs of the NPS. The Coalition provides the following recommendations for these funds in the coming fiscal year:

1) Continuing to Enhance and Build Operational Capacity (ONPS). The top priority for the Coalition this year is a focus on the NPS employees and the services they provide for park visitors. The president's budget recommends an additional \$266.3 million in park operations and their support services. The budget increases provided in the ONPS and other accounts of the NPS would result in filling over 1,300 positions that were lost over the past decade. This, in turn, would help ensure that all parks, including the small and medium-sized parks, which rely on services provided by regional and Washington, D.C., program offices, would benefit.

To ensure park, regional, and program offices do not go backwards, it is imperative that fixed costs are appropriated first. The budget recommends a total of \$124.9 million for fixed costs, which the Coalition strongly supports. Additionally, the budget recommends the proposed increased funding focus on staffing for new parks as well as those parks experiencing increased visitation. The Coalition agrees with these priorities to help ensure a quality visitor experience and to address the employee workload at parks where visitation continues to grow from year to year.

This proposed budget builds on Congress' action in the current year's appropriation that provided important increases for the preservation of the natural resources entrusted to the care of the NPS. The Coalition supported last year's appropriations bill and agrees with the continued focus in the FY 2024 recommendations in order to address climate change and other natural resource protection programs.

As the Coalition noted last year, equally important for the subcommittee is doing something to replace the loss of almost 30 percent of cultural resource management positions in our National parks, regional, and program offices. Many cultural resources, including historic buildings, museum objects, and archaeological sites, are unmaintained, severely threatened, or degraded. The FY 2024 budget recommendations propose an additional \$18.8 million to support programs to address cultural resource protection, address racial equity, and to support underserved communities.

In the past, cultural resource protection often has been a lower priority among the needs of the NPS, and we are aware it is difficult for the subcommittee to ensure additional funding is used by the parks for cultural resource protection when parks find their budgets stretched. We recommend the subcommittee include report language to accompany the FY 2024 bill that directs the NPS to provide guidance to the parks on using funding equitably among natural and cultural resource protection programs and to provide an accounting of these funds to the House and Senate committees during FY 2024.

Additionally, the Coalition expresses its continued support for the NPS proposal to extend the period of availability of funding in the ONPS account to 2 years, which will allow more efficient management of resources and permit adjustment for disruptions that occur within the fiscal year. This request is consistent with that provided to other bureaus within the Department of the Interior.

2) National Recreation and Preservation (NR&P). Within the president's budget, various programs such as the National Register of Historic Places, Rivers, Trails, and Conservation Assistance, and several grant programs including the Native American Graves Protection and Repatriation, Japanese American Confinement Sites, and National Heritage Areas, are funded under this account.

The Coalition notes that these programs are critical to the partnership work of the NPS, and they need adequate staff to fulfill their partnership responsibilities in a timely manner, which has been a critical area of concern in recent years. The president's budget recommends an additional \$2.7 million in FY 2024 for the various programs covered under this account to assist in effective administration of these programs, which the Coalition strongly supports.

3) Construction. The president's budget recommends \$286.6 million for the Construction account, which is an increase of \$46.8 million over the FY 2023 enacted level. The Coalition supports this funding as a needed partner to the mandatory funding provided by the GAOA. The NPS construction funding helps to ensure cyclic maintenance and repair/rehab activities are carried out so that the backlog of NPS maintenance does not continue to grow.

Of particular importance to the Coalition is funding to address the NPS' park housing needs. The FY 2024 budget recommends building on last year's momentum by increasing the housing request to \$14.9 million, an additional \$7 million over the current year's enacted level. The Coalition strongly supports this proposed increase to assist the parks in attracting and retaining the needed permanent and seasonal staffing who can live in affordable housing in many areas where such housing options are either unavailable or unaffordable by staff living on government salaries.

4) Land and Water Conservation Fund (LWCF). Most national parks have private lands within their Congressionally established boundaries. To fully protect the park's natural and cultural resources, these inholdings must be acquired. Acquiring these parcels is not expanding parks, but rather completing them, making management of the parks more efficient and saving money as well as staff time that is otherwise spent dealing with land use conflicts and threats of inappropriate use or resource damage.

The NPS officially estimates \$2 billion is needed to acquire the private inholdings within park boundaries. Ever since the passage of the GAOA, the share the NPS has received for specific Federal LWCF acquisitions in any 1 year has hovered just slightly over \$60 million. This level of funding makes it difficult to even begin to address the backlog or to have sufficient funds available to acquire key parcels when opportunities quickly arise.

The president's request for the Federal land acquisition program of the NPS is \$104.3 million of which \$61.8 million is for specific acquisitions. The NPS should be allocated a more proportionate share of the LWCF to address its backlog. Additionally, the number of emergencies, hardships, and unexpected situations that occur each year cannot be adequately addressed in a timely manner with the \$5 million requested. This amount should be increased to at least \$10 million to ensure funding is available to meet these opportunities as they come about.

5) Other programs. We end our statement by noting our support for the administration's efforts and associated funding to improve coordination with Tribal nations, for its request for the critical work of the Historic Preservation Fund to preserve historically and culturally significant sites and provide competitive grants to non-Federal entities, and for the \$15 million in matching funding for the Centennial Challenge program, which benefits several parks within the system.

Thank you for consideration of our request. We look forward to continuing to work with you during the consideration of the FY 2024 Interior appropriations bill.

[This statement was submitted by Michael B. Murray, Chair of the Executive Council, Coalition to Protect America's National Parks.]

PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Congress authorized the Colorado River Basin Salinity Control Program (Program) through the Colorado River Basin Salinity Control Act (Act) in 1974 to offset increased damages caused by development and use of the waters of the Colorado River. Congress has directed the Secretary of the Interior (Secretary) to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management (BLM). BLM has funded these efforts as directed by Congress through its Aquatic Resources Program. BLM's efforts are an essential part of the overall effort. A funding level of \$2.0 million for salinity specific projects in 2024 is requested to prevent further degradation of the quality of the Colorado River and a commensurate increase in downstream economic damages.

The U.S. Environmental Protection Agency (EPA) has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. In authorizing Program, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title II of the act addresses measures upstream from Imperial Dam, thus improving the quality of the water delivered to users in the United States. This testimony deals specifically with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed the Secretary to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program. Beginning in 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin to pursue salinity control studies and to implement specific salinity control practices.

BLM is now working on a comprehensive Colorado River Basin salinity control program as directed by Congress. In January 2018 BLM issued A Framework for Improving the Effectiveness of the Colorado River Basin Salinity Control Program, 2018-2023. This document lays out how BLM intends to implement Colorado River Basin salinity control activities over the 5-year period. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essen-

tial to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damage to water users downstream.

Damages to water users in the United States and Mexico, caused by the high concentration of salt in the Colorado River, include:

- reduced ability to reclaim and reuse water for beneficial uses,
- reduced yield of salt sensitive crops,
- increased use of imported water and cost of desalination,
- reduced useful life of galvanized water pipe systems and appliances,
- increased use of bottled water and water softeners,
- increased cost of cooling operations and water softening,
- increased cost of water treatment,
- increased sewer fees,
- decreased lifespan of treatment facilities and pipelines,
- difficulty meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit requirements,

The State of New Mexico is a member of the Colorado River Basin Salinity Control Forum (Forum) which is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Every third year, the Forum adopts a Plan of Implementation consistent with efforts to facilitate compliance with the Clean Water Act. The level of appropriation requested in this testimony is in keeping with the adopted Plan of Implementation. If adequate funds are not appropriated, significant damages from higher salinity concentrations in the water will be more widespread in the United States and Mexico.

New Mexico stands in support of a continuation of BLM's work and requests that this committee direct BLM to expend at least \$2.0 million in 2024 from its Aquatic Resources Program for Colorado River specific salinity control activities.

[This statement was submitted by Mike A. Hamman, New Mexico State Engineer.]

PREPARED STATEMENT OF COLORADO RIVER BASIN SALINITY CONTROL FORUM

Waters from the Colorado River are used by nearly 40 million people for municipal and industrial purposes and for irrigation of approximately 5.5 million acres in the United States. Natural and human-induced salt loading to the Colorado River causes environmental and economic damages. Though past efforts have reduced annual damages to water users by several hundred million dollars per year, in 2020 the Bureau of Reclamation (Reclamation) estimated the quantifiable damages to Lower Basin water users due to elevated salinity levels still at about \$354 million per year (unquantifiable damages add to this amount). Congress authorized the Colorado River Basin Salinity Control Program (Program) through the Colorado River Basin Salinity Control Act (Act) (Public Law 93-320) in 1974 to offset increased damages caused by development and use of the waters of the Colorado River. Modeling by Reclamation indicates that the quantifiable damages would rise to approximately \$671 million by the year 2040 without continuation of the Program. Congress has directed the Secretary of the Interior (Secretary) to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management (BLM). BLM has funded these efforts as directed by Congress through its Aquatic Resources Program. BLM's efforts are an essential part of the overall effort. A funding level of \$2.0 million for salinity specific projects in 2024 is requested to prevent further degradation of the quality of the Colorado River and a commensurate increase in downstream economic damages.

The U.S. Environmental Protection Agency (EPA) has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. In authorizing the Program (Public Law 93-320, Act) in 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the act deals with programs downstream of Imperial Dam that enable the U.S. to meet its commitment regarding the quality of waters being delivered to Mexico (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico). Title II of the act addresses measures upstream from Imperial Dam, thus improving the quality of the water delivered to users in the United States. This testimony deals specifically with Title

II efforts. In 1984, Congress amended the Salinity Control Act (Public Law 98–569) and directed the Secretary to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106–459). Beginning in 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin to pursue salinity control studies and to implement specific salinity control practices.

BLM is now working on a comprehensive Colorado River Basin salinity control program as directed by Congress. In January 2018 BLM issued *A Framework for Improving the Effectiveness of the Colorado River Basin Salinity Control Program, 2018–2023*. This document lays out how BLM intends to implement Colorado River Basin salinity control activities over the 5-year period. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damage to water users downstream.

Damages to water users in the United States and Mexico, caused by the concentration of salt in the Colorado River, by water usage sector, include the following:

- a reduction in the ability to reclaim and reuse water for beneficial uses, including drinking water and irrigation water supplies, due to high salinities in the water delivered to water treatment and reclamation facilities,
- a reduction in the yield of salt sensitive crops, increased water use to meet leaching requirements and additional actions necessary to comply with the Clean Water Act for the agricultural sector,
- an increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and a corresponding increase in sewer fees in the industrial sector,
- a decrease in the lifespan of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs necessary to minimize accumulation of salts in groundwater basins.

The Colorado River Basin Salinity Control Forum (Forum) is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum is charged with reviewing the Colorado River's water quality standards for salinity every 3 years to facilitate compliance with Section 303(c) of the Clean Water Act (Public Law 92–500). In so doing, it adopts a Plan of Implementation consistent with these standards. The level of appropriation requested in this testimony is consistent with the adopted Plan of Implementation. If adequate funds are not appropriated, significant damages from higher salinity concentrations in the waters of the Colorado River will be more widespread in the United States and Mexico.

In summary, implementation of salinity control practices through BLM is a cost-effective method of controlling the salinity of the Colorado River and is an essential component to the overall Program. Continuation of adequate funding levels for salinity control within the Aquatic Resources Program will assist in preventing further degradation of the Colorado River's water quality and a commensurate significant increase in economic damages to municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved water quality to nearly 40 million Americans. The Forum requests that this committee direct that BLM continue its support of the Program and expend at least \$2.0 million in 2024 from its Aquatic Resources Program for Colorado River specific salinity control activities.

[This statement was submitted by Don A. Barnett, Executive Director, Colorado River Basin Salinity Control Forum.]

PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Thank you for the opportunity to provide written testimony in support of fiscal year 2024 (FY24) funding for the Colorado River Basin Salinity Control Program (Program) in the amounts listed in the table below. Congress authorized the Program in the Colorado River Basin Salinity Control Act (Public Law 93-320) to enhance and protect the quality of water available for Colorado River water users in the United States and the Republic of Mexico. This FY24 funding request will help fulfill obligations of this act and prevent further water quality degradation and related economic damages in our region.

Subcommittee	FY23 Appropriation	FY24 Appropriation Request	Federal Agency	Salinity Control Program
Interior, Environment, and Related Agencies	\$2.0 Million	\$2.0 Million	Bureau of Land Management (BLM).	Aquatic Resources Program.
Energy and Water Development, and Related Agencies	\$6.0 Million	\$10.7 Million	U.S. Bureau of Reclamation (Reclamation).	Title II—Basinwide Program.
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	\$15.6 Million	\$12.2 Million	Natural Resources Conservation Service (NRCS).	Environmental Quality Incentives Program (EQIP).
Total	\$28.3 Million	\$24.9 Million		

As a regional water wholesaler, The Metropolitan Water District of Southern California (Metropolitan) provides supplemental water for 26 public member agencies to deliver-either directly or through their sub-agencies-to nearly 19 million people living in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. Roughly one-half of Metropolitan's imported water comes from the Colorado River.

The Program has successfully reduced the salinity of the Colorado River by over 90 milligrams per liter (mg/l) at Lake Havasu. Despite the Program's success, salt in the Colorado River continues to cause an estimated \$354 million in damages to water users each year, including damages to consumer and commercial equipment, water supply treatment processes, agriculture, groundwater replenishment activities, and wastewater recycling. Many of these damages occur within Metropolitan's service area as water imported via the Colorado River Aqueduct has the highest salinity of all of Metropolitan's supplies, averaging around 630 mg/L since 1976. The continuing drought in the western United States threatens to exacerbate these damages as low river flows and record-low reservoir volumes provide less water to dilute saline inflows.

Without the Program, damages to Colorado River water users would be much higher. Modeling by Reclamation indicates that economic damages would rise to approximately \$671 million-almost double current damages-by the year 2040 without continuation of the Program. Metropolitan urges the subcommittee to support funding for the Program in FY24 at the levels outlined above so that it can avoid these additional impacts of increased salinity.

Given the scale of these potential damages, Congress's continuing modest investment in the Program yields a substantial rate of return. In addition to Congress's contribution, the seven Colorado River Basin States provide matching funds up to 30% of Program funding, extending the value of Congress's contribution even further.

The Program funds the Paradox Valley Unit (PVU), which includes a deep injection well used to sequester brine from the hyper-saline Dolores River (a tributary to the Colorado River) in western Colorado. Until recently, the well was virtually non-operational due to induced seismic activity in the valley. The PVU is especially important to our region as it is the largest single salinity control project in the Program. Historically, the PVU has reduced salt loads to the Colorado River by over 100,000 tons per year and salt concentrations at key downstream locations by up to 9 mg/L. Although the PVU has resumed operation on a trial basis at two-thirds

of injection capacity, given the project's unique importance, Metropolitan urges Reclamation to expedite the identification of a long-term solution that prevents the salt from reaching the Colorado River.

The Colorado River Basin Salinity Control Forum (Forum) was formed in 1973 to coordinate the Colorado River Basin States' salinity control efforts. The U.S. Environmental Protection Agency (EPA) has charged the Forum with reviewing the Colorado River's water quality standards for salinity every 3 years (the "Triennial Review"). In so doing, the Forum adopts a Plan of Implementation consistent with these standards. The level of appropriations requested in this testimony is in keeping with the Forum's Plan of Implementation adopted in the 2020 Triennial Review, which will be implemented by the BLM, Reclamation, and the NRCS.

Metropolitan appreciates your consideration of this request. Please feel free to contact me if you have any questions.

[This statement was submitted by Adel Hagekhalil, General Manager, Metropolitan Water District of Southern California.]

PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL

This testimony is in support of Fiscal Year (FY) 2024 funding for the Department of the Interior's Bureau of Land Management (BLM) associated activities that assist the implementation of Title II of the Colorado River Basin Salinity Control Act of 1974 (Public Law 93-320). This long-standing successful and cost-effective salinity control program in the Colorado River Basin is being carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (Public Law 92-500). Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the BLM. BLM funds these efforts through the Aquatic Resources Program. BLM's efforts are an essential part of the overall effort. A funding level of \$2.0 million for salinity specific projects in FY-2024 is requested to prevent further degradation of the quality of Colorado River water supplies and increased environmental and economic damages.

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California participates along with the other six Colorado River Basin States through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts. In close cooperation with the U.S. Environmental Protection Agency (EPA) and pursuant to requirements of the Clean Water Act, the Forum is charged with reviewing the Colorado River water quality standards every 3 years. Every 3 years the Forum adopts a Plan of Implementation consistent with these water quality standards. If adequate funds are not appropriated, significant damages associated with increasing salinity concentrations of Colorado River water will become more widespread in the United States and Mexican portions of the Colorado River Basin.

The EPA has determined that more than sixty percent of the salt load of the Colorado River comes from natural sources. Through passage of the Colorado River Basin Salinity Control Act in 1974, Congress recognized that much of the salts in the Colorado River originate on federally owned lands, much of which is administered by BLM. Title I of the Salinity Control Act deals with the U.S. commitment to efforts related to maintaining the quality of waters being delivered to Mexico pursuant to the 1944 Water Treaty. Title II of the act deals with improving the quality of the water delivered to water users in the United States. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to coordinate BLM efforts in the Colorado River Basin States to pursue salinity control studies and to implement specific salinity control practices. BLM is now working to create a comprehensive Colorado River Basin salinity control program as directed by Congress. In January 2018 BLM issued A Framework for Improving the Effectiveness of the Colorado River Basin Salinity Control Program, 2018-2023. This document lays out how BLM intends to implement Colorado River Basin salinity control activities over the next 5 years. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. With a significant portion of the salt load of the Colorado River coming from BLM-administered lands, the BLM portion of the overall program is essential to the success of

the entire effort. Inadequate support for BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Over the forty-nine years since the passage of the Colorado River Basin Salinity Control Act, much has been learned about the impact of salts in the Colorado River system. As described in the 2020 Plan of Implementation, the salinity concentration of Colorado River water causes about \$354 million in quantifiable economic damages in the United States annually. Economic and hydrologic modeling by Reclamation indicates that these economic damages could rise to more than \$671 million by the year 2040 without continued implementation of the salinity control program. For example, damages can be incurred related to the following activities:

- A reduction in the ability and increased costs to reclaim and reuse water due to high salinities in the water delivered to water treatment and reclamation facilities;
- A reduction in the yield of salt-sensitive crops and increased water use to meet the leaching requirements in the agricultural sector;
- Increases in the amount of imported water;
- Increased costs of desalination and brine disposal for recycled water in the municipal sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, and other household appliances, and increased use of bottled water and water softeners in the residential sectors;
- Increased costs of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- Increases in the use of water and cost of water treatment, and an increase in sewer fees in the industrial sector;
- Decreased life of treatment facilities and pipelines in the utility sector;
- Increasing difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions; and
- Increased desalination and brine disposal costs due to accumulation of salts in groundwater basins.

Based on current program cost levels, a funding level of \$2.0 million for salinity specific projects in FY–2024 is requested to continue this longstanding program for minimizing salt contributions to the Colorado River from lands administered by the BLM

The Colorado River is, and will continue to be, a major and vital water resource to the nearly 20 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. The protection and improvement of Colorado River water quality through the continued implementation of this very effective salinity control program avoids, or reduces, additional environmental and economic damages to California, the other Colorado River Basin States, and Mexico that rely on Colorado River water resources.

Thank you for your consideration of this testimony.

[This statement was submitted by Christopher S. Harris, Executive Director, Colorado River Board of California.]

PREPARED STATEMENT OF THE COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
Summary of Budget Requests

- I. Increase Funding for Rights Protection Implementation
 - a. Columbia River Fisheries Management—\$6.241 million
 - b. Columbia River-In Lieu Sites Law Enforcement—\$1.575 million
 - c. Columbia River-Fishing Access Site Operations—\$1.7 million
 - d. U.S. Canada Pacific Salmon Treaty—\$6.792 million
 - e. Implementation of Public Law 116–99—\$5 million
 - f. Youth Program Initiatives—\$500,000
 - g. Columbia River Treaty Modernization
- II. Provide Funding for Tribal Climate Resilience—\$5 million

Good afternoon, Chair Merkley, Ranking Member Murkowski, and members of the subcommittee. My name is Ron Suppah and I have the privilege of serving as Chair of the Columbia River Inter-Tribal Fish Commission (CRITFC). I also serve as Vice Chair of the Off-Reservation Fish and Wildlife Committee of the Warm Springs Tribes.

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, steelhead, Pacific lamprey, and white sturgeon resources and the habitat upon which these species depend.

Our collective ancestral homelands are an area the size of the State of Georgia and cover nearly one-third of the U.S. portion of the Columbia River basin. In 1855, the U.S. entered into treaties with the four Tribes 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 stations. Unfortunately, a perilous history has brought the salmon, steelhead, and Pacific lamprey populations to the edge of extinction. Twelve Columbia Basin salmon and steelhead populations in the are listed under the Endangered Species Act (ESA), Pacific lamprey have declined 95% from historic numbers, and the white sturgeon population is struggling to maintain itself.

The CRITFC member Tribes are internationally 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 economic needs. 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 restore these fish population, our actions emphasize 'gravel-to-gravel' management, including supplementation of natural stocks, healthy watersheds, and collaboration with State, Federal, and private entities.

For CRITFC to continue to do this critical work, we need adequate funding from Congress. Therefore, I thank you for the opportunity to testify regarding CRITFC's funding priorities. My testimony will focus on the appropriations necessary to continue the exercise of our treaty-reserved rights to harvest fish on the Columbia River.

INCREASE FUNDING FOR RIGHTS PROTECTION IMPLEMENTATION

a. Columbia River Fisheries Management

The Tribes are leaders in one of the Nation's largest fishery restoration efforts in response to the negative impacts of the Federal Columbia River Power System. Management is increasing in complexity and sophistication requiring greater data collection, collaboration, and enforcement. Funding shortfalls prohibit 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 and allows us to work across the bulk of current anadromous fish habitat in the Columbia Basin. We request an increase of \$624,000 over FY 2023 levels for a new program base of \$6.865 million.

CRITFC and our member Tribes are principal implementers of actions laid out in three landmark agreements: 1) the Columbia Basin Fish Accords with Federal action agencies overseeing the Federal hydro system in the Columbia Basin¹, 2) continuing engagement in a 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. These agreements establish regional and international commitments to 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 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, Congress recently enacted the Endangered Salmon Predation Control Act, Public Law 115-329, which recognizes that CRITFC and its member Tribes are a part of the regional effort to

¹ The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

manage 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 and increasing avian and piscivorous fish predation. Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased.

b. Columbia River-In Lieu Sites Law Enforcement

Public safety is a high priority for CRITFC and our member Tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the heavily used Columbia River Gorge area, patrolling 150 miles of the river and its shorelines in Oregon and Washington. We are the primary provider of enforcement services at 31 fishing access sites developed pursuant to Public Law 87-14 and Public Law 100-581 for use by treaty fisheries. CRITFC's officers possess BIA Special Law Enforcement Commissions to enhance protection and service to Tribal members and Federal trust properties along the river. CRITFC entered a Public Law 93-638 contract with BIA in 2011 for enforcement services along the Columbia River. That contract provides funding for two positions. Additional appropriations were provided in FY2021 (\$1.5m), FY2022 (\$1.5m), and FY 2023 (\$1.575m) to enhance public safety and law enforcement services. Funding has become reoccurring, and this leads to the long-term stability of this public safety effort.

c. Columbia River-Fishing Access Site Operations

A Federal commitment to provide O&M funding was established under a 1997 MOU between the U.S. Army Corps of Engineers and BIA and assigned to CRITFC in 2003. This O&M need was funded in FY 2022 and FY 2023 at \$1.7 million. This base O+M funding is very important to the health and safety of our treaty fishers as they access the Columbia River in exercise of their treaty reserved fishing rights.

d. U.S. Canada Pacific Salmon Treaty

In response to declining salmon populations and pending treaty fishing rights litigation, 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 Pacific Salmon 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 calls for the implementation of additional data requirements.

For Tribal participation in the Pacific Salmon Treaty, the U.S. Section has identified a continuing program need of \$6.792 million for the 25 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 and ensures that our Tribal fishers receive an equitable portion of the harvestable fish numbers. Our FY 2023 recommended level for this program is consistent with the FY 2022 level and correlates with the U.S. Section's recommendation.

e. Implementation of Public Law 116-99

Public Law 116-99 recognized the deteriorating condition of the sites due to age and significant use and Congress authorized \$11 million to refurbish the sites in order to meet human health and safety standards. We are requesting \$5 million in FY 2024, to continue implementation of the act. The assessment of the sites was completed in 2022 and we are conducting architecture and design and beginning construction based on the assessment findings.

f. Youth Program Initiatives

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 that expand their exposure to science, technology, engineering, and math (STEM). Except for a pandemic-related pause in 2020 and 2021, CRITFC has held a week-long Salmon Camp for middle school students in collaboration with our member Tribes since 2010 using limited funding resources. Adequate funding would

enable the Tribes to continue this program. 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 a lack of funding, those opportunities are not currently available. In 2020, CRITFC acquired an estuary and near coastal observation program which we hope can provide Tribal workforce opportunities in the estuary and marine environments.

g. Columbia River Treaty Modernization

Rights Protection Implementation supports CRITFC's participation in the Columbia River Treaty re-negotiation. 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 modernizations 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 piecemeal approach to individual salmon listings under the Endangered Species Act. Increased RPI funds will 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.

PROVIDE FUNDING FOR TRIBAL CLIMATE RESILIENCE

The Columbia River treaty fishing Tribes are a place-based people. We have lived thousands of years on our homelands. We walk in the footsteps of our ancestors. Our place is on the specific landscape of the Columbia River. Climate-related stress was evident in 2020 in the form of historic forest fires and in 2015 with the loss of up to 400,000 adult sockeye salmon, including 99% of the sockeye returning to Idaho, due to elevated water temperatures. There must be continued funding to help the Tribes collaborate with public, private, and non-profit sectors to develop and implement adaptation strategies to protect species at risk. CRITFC requests \$5 million for our four constituent Tribes and CRITFC for planning and coordination development needed to continue the work of addressing the myriad of issues climate change is creating for our natural resources.

On behalf of the Columbia River Inter-Tribal Fish Commission, thank you for the opportunity to provide the subcommittee with our funding priorities for Fiscal Year 2024.

[This statement was submitted by Chair Ron Suppah, Columbia River Inter-Tribal Fish Commission.]

PREPARED STATEMENT OF THE CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION

Chair Merkley, Ranking Member Murkowski and distinguished members of the Senate Appropriations subcommittee on the Interior, Environment and Related Agencies, this testimony is submitted on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation"). The Yakama Nation is an inherently sovereign Native Nation with reserved rights and privileges pursuant to the 1855 Treaty between the United States and the Yakamas ("Treaty").¹ A Federal treaty is considered the supreme Law of the Land under the U.S. Constitution.² The Yakama Nation protects all of its natural and cultural resources in Yakama Nation's Treaty-territory and provides for the health, safety, and welfare of the more than 11,000 enrolled Yakama Members pursuant to the Yakama Nation's status as a sovereign Native Nation and its Treaty-reserved authority. The United States has duties and obligations under the Treaty, statute, and the trust relationship to provide for the public safety, resource protection, and human services set forth below.

BUREAU OF INDIAN AFFAIRS ("BIA")

The Yakama Nation carries out many Federal trust functions through contracts issued by the United States pursuant to Public Law 93–638, Indian Self-Determination and Education Assistance Act ("ISDEAA"). Thus, "638ed" Federal functions are administered by Tribes under "638 Contracts". A 638 Contract generally establishes

¹ See Treaty with the Yakamas, U.S.—Yakama Nation, June 9, 1855, 12 Stat. 951.

² See U.S. Const. art. VI, cl. 2.

the organizational framework and performance standards, and is supposed to provide the funding necessary for the contracted Tribal department to perform the Federal function—however, current funding levels are insufficient and funding over the past decade has remained flat, which is a decrease due to inflation. The Yakama Nation has been thrifty with available staff and budgets to ensure Yakama Members receive some measure of services owed to them by the United States. To avoid endangering public safety, health, and welfare, the Yakama Nation has also supplemented Federal services with its own dollars to avoid critical lapses in Federal trust functions and the Yakama Nation has secured non-federal funds through State legislative and grant processes.

a. Additional Public Safety & Law Enforcement Funding is Needed

The Yakama Nation has roughly a quarter of the officers needed to protect and serve the community that resides within the largest Treaty Reservation in Washington State.

The Yakama Nation protects its people and communities under a 638 Contract through the BIA, with oversight from the Interior's Office of Justice Services ("OJS"). Guidance from the Federal Bureau of Investigation States that 2.3 police officers per 1,000 residents are needed, which is roughly 76 officers. The 638 Contract currently funds 20 patrol officers for the 1.4 million acre Yakama Reservation. Less are often deployed due to training requirements and non-competitive compensation; during 2022 and 2023, as few as 14 officers were on patrol.

The Yakama Nation has experienced an increase in violent crime and property crimes, and has the highest occurrence of Missing and Murdered Indigenous Women/People in the region. The alarming rise in Latin American based gang and cartel-related drug activities is terrifying and the fentanyl epidemic plagues our Reservation communities. There are simply not enough law enforcement resources to meet our public safety needs. The Yakama Nation has collaborated with local municipal and county law enforcement agencies to create regional taskforce solutions and bring additional resources for the protection of Yakama and non-Yakama communities alike, but with the woefully inadequate funding for additional patrol officers our residents on the Yakama Reservation do not experience the safe neighborhoods that they deserve. The Yakama Nation's coalition-building is not enough; more police resources are needed.

The Yakama Nation Police Department needs more officers and more equipment. The region needs better public safety infrastructure to execute investigations and provide evidence for criminal prosecution. The Federal 638 contract has been flat for the past two decades despite requests to OJS for any base increase, even to keep pace with inflation. The OJS has their hands tied by budgetary constraints. The Yakama Nation has had to figure out how to do more with less, year after year for decades. We need more law enforcement funding. We can no longer legitimately ask our People for patience when they reasonably demand public safety. The Yakama Nation is working with Senator Cantwell and the Congressional Delegation to secure temporary enhanced patrol funding through the Department of Justice Byrne Justice Assistance Grant Program for the purpose of providing community safety with dedicated patrol officers working under a Yakama Nation Drug and Fentanyl Taskforce.

b. Appraisal Backlog—'Cobell' Part Two For Probate & Leasing

The Yakama Nation Appraisals Program lacks the required staff and funding levels to address the unwieldy and cascading appraisal backlog affecting the probate and leasing programs. The Yakama Nation Appraisals Program is 638 Contracted with the Federal Appraisal and Valuation Services Office ("AVSO"). Appraisals are critical to probate and leasing. With probate, a value determination is made for a decedent's trust land. This valuation is necessary for courts to rule on a decedent's estate for inheritance decisions. An appraisal is also necessary to establish the lease rates for Tribal trust and allotment land. In the case of trespass, the appraised lease value will be assessed for damage. Timely appraisals are a Federal fiduciary obligation.

Current funding levels only provide for a single appraiser. Given the volume of work, the Yakama Nation has hired consultants to assist with completing appraisals. But, regardless of supplemental staff support, the appraisal backlog accrues at a faster rate. The Yakama Nation has submitted mass appraisals based on regression modeling to the AVSO as a solution to this trust mismanagement, but the AVSO has inexplicably rejected all mass appraisals. Congress needs to provide authority for creative solutions like mass appraisals or funding for additional staff.

c. *Forest Mismanagement—A Direct Federal Service*

The Yakama Nation has a 650,000 acre forest, and last year the BIA only completed one (1) timber sale. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for Federal management of Indian forests. The BIA Forestry Program at the Yakama Agency has failed to hire many dozens of vacant forestry positions for more than a decade. In 2014, the BIA Director identified that BIA Forestry at the Yakama Agency is, in his words, “on the verge of collapse.” The program has only continued to deteriorate since then.

The Yakama Nation made the sovereign decision, and consistent with ISDEAA, for the U.S. to provide direct services through the BIA Forestry Program. Importantly, forestry management directly implicates Treaty-reserved rights and privileges. The BIA is functionally abrogating its direct services obligation through its gross mismanagement. The Forestry program has nearly stopped functioning altogether, and the U.S. is forcing the Yakama Nation to accept lost revenue through sheer neglect. This is a dramatic breach of the United States’ trust obligations established by Treaty, statute, and regulation. Congress needs to fund maintenance and increased staffing consistent with the Federal obligation.

This Forest mismanagement is a crisis of lost economic benefit and has put Yakama Member-owned logging companies out of business. The Yakama Nation’s commercial mill can no longer sustain itself on timber harvested from the Yakama Nation’s own forest—threatening over 200 Yakama Member-held jobs. Yakama Members are losing the trust revenues that they should be receiving from a viable timber economy. This is an unconscionable failure for the U.S. to waste this timber resource through forest decay and wildfire. Resist the calls for spending cuts because such short-term savings will incur greater cost, expense, and harm over the decade for these deferred Federal obligations. Instead, increase budgetary resources for the BIA to ensure that Federal direct service programs can fulfill this Federal duty so that the Yakama Nation and its Members can benefit from the forest resources.

d. *Degraded In-Lieu and Treaty Fishing Access Sites*

The Yakama Nation truly appreciates Senator Merkley’s efforts at leading this region to address the issue of Federal management of In-Lieu and Treaty Fishing Access Sites (“Sites”) (see PL 116–99 and 25 CFR part 248) which have historically provided deplorable conditions and substandard living amenities for many Yakama People along the Columbia River for decades. More than \$40 million is needed to address the list of repairs that must be completed across various Sites to maintain public safety and access, including but not limited to: abandoned property removal; environmental cleanup of soils; restroom/shower restoration; safety fencing and gate installation and repair; access road repair; dock repair; site utility and water main improvements; and, wastewater treatment system repairs and septic drain field enhancements. To be clear, these are not simple fishing sites. These Sites host year-round residents including families and children.

The Yakama Nation has Treaty-reserved rights to fish the banks of the lower Columbia River at all usual and accustomed fishing areas. The U.S. broke this Treaty-promise with the construction of the Bonneville Dam (1938), the Dalles Dam (1957), and the John Day Dam (1971), each inundating traditional villages and countless usual and accustomed fishing places. In response to these Treaty-breaches the Site improvements were made “to provide access to usual and accustomed fishing areas and ancillary fishing facilities” for the Yakama Nation and its Members. Deterioration threatens continued access and safety at these 28 Sites.

Operation and maintenance of the 28 Sites is 638 Contracted with the Columbia River Inter-Tribal Fish Commission (“CRITFC”) to address infrastructure repairs, sanitation and safety needs, and property improvements. However, beyond minor repairs and improvements, the infrastructure needs listed above are unfunded. The Sites need improvements that cannot be addressed through the existing 638 Contract. Congress needs to provide for an annual base funding increase to support ongoing operation and improvement obligations.

e. *Salmon Recovery & Treaty Resources*

The Columbia River salmon fishery, Steelhead, Chinook, Sockeye, and Coho populations, are in jeopardy—for four decades the recovery funding has failed to keep pace with the required mitigation for the salmon lost each year to the hydroelectric system. Fishery returns have never come close to the Northwest Electric Power and Conservation Planning Council (“NPCC”) goal of 5 million salmon returning each year, the hydroelectric system continues to kill 5–11 million salmon per year, and

the Federal Government continues to fail its Treaty-obligation to the Yakama Nation for 50% of the Treaty-era fishery harvest.

The Yakama Nation's 638 Contract funding levels for fish and wildlife programs need to increase above the rate of inflation to ensure protection of the Treaty-protected resources. Today, salmon are experiencing additional bellwether pressures from climate change, warmer water temperatures, and drought-level water levels in the rivers and streams. The Yakama Nation's resource programs are regional leaders in hatchery management, habitat restoration, and fishery recovery, but even this tireless work cannot reverse the effects of the Federal hydroelectric system's annual unmitigated fish kill and its \$1 billion backlog in unfunded fish mitigation infrastructure, including but not limited to: hatchery projects; restoration work; and fish passage on the Columbia River and all of its tributaries. Congress needs a plan to fund the billion-dollar backlog so the next decade is an investment in keeping the United States' Treaty-promises.

BUREAU OF INDIAN EDUCATION ("BIE")

Education on the Yakama Reservation is a Treaty-promise to the Yakama People by the Federal Government. Today, the Tribal School building is a nearly 70-year old dilapidated facility that is evaluated in "poor" condition by the BIE's Facility Condition Index. Under the available and projected BIE construction funding, the timeline for a new school facility is waitlisted for 25—30 years. The Yakama Nation cannot wait decades to provide its children with modern facilities and a safe learning environment. In 2023, the Yakama Nation secured \$3.2 million from the Washington State Legislature to complete 'shovel ready' design documents for a new 80,000 square-foot school facility for construction starting July 1, 2025. Now is the time for Federal entities at the BIE, BIA, and U.S. Department of Agriculture's Community Facilities Direct Loan & Grant Program to have the authority and funding necessary to pledge grants equal to the amount that Yakama Nation will finance for new school construction.

A Federal commitment now will provide budgetary savings to the BIE school replacement fund by matching other funding channels that are being secured through the Yakama Nation's leadership. Additionally, BIE maintenance expenditures on the current dilapidated facility are sunk-costs in the Federal budget because they are a band-aid to prevent total failure of building systems while Tribal School languishes on a BIE building replacement list. Invest now in the Yakama Nation's future generations, not only because it is a Federal obligation, but it also makes fiscal sense.

[This statement was submitted by Yakama Nation Tribal Council.]

PREPARED STATEMENT OF THE CONSERVATION FUND

Chairman Merkley, Ranking Member Murkowski, and Members of the Appropriations subcommittee on Interior, Environment, and Related Agencies, thank you for this opportunity to submit outside witness testimony on behalf of The Conservation Fund (TCF). TCF supports the mandatory funding request of \$900 million and additional discretionary funding in Fiscal Year 2024 for the Land and Water Conservation Fund (LWCF), which includes the Federal land acquisition programs of the Bureau of Land Management (\$80 million), National Park Service (\$115 million), U.S. Fish and Wildlife Service (\$120 million), U.S. Forest Service (\$134 million), as well as three State grant programs, among others: the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund (\$32 million); National Park Service's State Assistance Grants program (\$270 million); and the U.S. Forest Service's Forest Legacy Program (\$100 million). TCF also supports a funding request for the U.S. Fish and Wildlife Service's North American Wetlands Conservation Fund (\$50 million); U.S. Fish and Wildlife Service's State and Tribal Wildlife Grant Programs (\$100 million); U.S. Fish and Wildlife Service's Chesapeake Watershed Investments for Landscape Defense Program (\$15 million); National Park Service's Chesapeake Bay Gateways and Watertrails Program (\$3 million); and the U.S. Forest Service's Community Forest and Open Space Conservation Program (\$7 million); and the Department of Interior's (DOI) Natural Resource Damage Assessment and Restoration Program (\$10 million). TCF requests funding for the Environmental Protection Agency's (EPA) Great Lakes Restoration Initiative (\$425 million) and Chesapeake Bay Program (\$91.5 million).

TCF is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners; federal, State and local agencies; and other partners to con-

serve our Nation's important lands for people, wildlife and communities. To date, TCF has helped our partners to conserve over 8.5 million acres. These accomplishments are due, in large measure, to the leadership of this subcommittee over many years to appropriate funds to acquire lands for future generations, working forests, recreational opportunities, wildlife habitat, and many other benefits.

Below are highlights of some benefits of the LWCF and land acquisition programs. While these projects show the tremendous diversity of benefits of land acquisition for the public, they have one thing in common: each of these projects is driven by landowners. Many farmers, ranchers and forestland owners have significant financial equity in their land. By enabling a landowner to sell a conservation easement or fee title, the LWCF program provides landowners with funds to stay in business, reinvest in businesses, or meet other financial goals.

As the subcommittee crafts its Interior, Environment and Related Agencies Appropriations bill, there are several key points we respectfully request you to consider, listed below.

Land and Water Conservation Fund (LWCF) at \$900 million in mandatory and additional discretionary funding: The enactment of the Great American Outdoors Act is a top momentous land conservation victory in a generation. The Conservation Fund applauds Congress for passing the bipartisan, bicameral legislation that provides full and mandatory funding (at \$900 million) for the Land and Water Conservation Fund. We also encourage Congress to provide discretionary funding to address emerging needs and opportunities. Funding the Nation's premier conservation program with both mandatory and discretionary funding in FY2024 will ensure LWCF continues to fulfill its mission to safeguard natural areas, water resources, and our cultural heritage, and to provide recreation opportunities to all Americans.

The Conservation Fund applauds the Senate and House Committees for its support for land acquisition and appraisal process improvements, as was included in the Fiscal Year 2023 report. TCF urges the Committees to continue working with the Departments to streamline and improve processes, particularly appraisal timelines and partnerships with non-federal parties, to deliver on priority land conservation efforts and effectively implement the Great American Outdoors Act.

The Conservation Fund also urges the Senate and House Committees to continue to support reprogramming of prior years' funding from the LWCF, as opposed to rescinding the funding as that practice undermines this critical conservation program. It is common for Federal land acquisition funds to remain "unobligated" until the last step in an acquisition project-this can reasonably take up to 5 years. Unobligated balances are not a problem in and of themselves, but funding should be moved to other acquisition projects if it is no longer needed for acquisitions within the Federal unit originally receiving the LWCF funding. To this end, Congress should continue to encourage the agencies to use a tool they already have-reprogramming-rather than rescissions to ensure LWCF funds are spent on critical conservation needs, fulfilling the purpose of the LWCF and the intent of the Great American Outdoors Act.

LWCF-Bureau of Land Management (BLM) Land Acquisition at \$80 million. The BLM and its National Conservation Lands provide some of our Nation's best recreation and historic areas, from opening new recreational access to sportsmen along with North Platte River SRMA in Wyoming to protecting riverside lands of the Upper Snake/South Fork ACEC SRMA in Idaho. We request \$80 million to fund BLM's land acquisition program and projects.

LWCF-National Park Service (NPS) Federal Land Acquisition at \$115 million. Hosting more than 312 million visitors in 2022, the 424 National Park units provide an economic boost to their local communities and those employed directly and indirectly. Funding for NPS LWCF will help protect key access points for recreation, historic areas, trails and more. We respectfully request \$115 million to fund NPS's land acquisition program and projects.

LWCF-U.S. Fish and Wildlife Service (FWS) Land Acquisition at \$120 million. National Wildlife Refuges (NWR) are our Nation's protectors of clean water, clean air, abundant wildlife and world-class recreation. Funding for FY2024 FWS LWCF will help protect critical wildlife habitat, provide public access and recreation, and improve water quality at Refuges, including Maryland's Blackwater National Wildlife Refuge and Texas' Laguna Atascosa National Wildlife Refuge; as well as preserving our Nation's working lands, such as at Montana's Rocky Mountain Front Conservation Area. We respectfully request \$120 million to fund FWS's land acquisition program and projects.

LWCF-USDA Forest Service (FS) Land Acquisition at \$134 million. FS LWCF funds help with forest management by protecting key inholdings and reducing fire threats. From Colorado's White River National Forest to Minnesota's Superior National Forest-Boundary Water Canoe Area Wilderness to the Appalachian Mountain's White Mountain (NH/ME), George Washington-Jefferson (VA), Cherokee (TN), Pisgah (NC), and Chattahoochee (GA) National Forests, we are working with willing landowners at priority project areas and respectfully request \$134 million to fund FS's land acquisition program and projects.

LWCF State Grant Programs: FWS-Cooperative Endangered Species Fund, NPS- State Conservation Grants, and USFS-Forest Legacy: We encourage the subcommittee to fund:

—FWS-Cooperative Endangered Species Conservation Fund: \$32 million (for the LWCF-funded portion)

—NPS-State Assistance Grants program: \$270 million

—USFS-Forest Legacy Program: \$100 million

DOI and USFS Conservation and Land Acquisition Programs: TCF encourages the Committee to fund:

—FWS-North American Wetlands Conservation Fund at \$50 million

—FWS-State and Tribal Wildlife Grant Program at \$100 million. The State and Tribal Wildlife Grant Program is the only Federal funding source available to States that leverages non-federal funds to help protect critical habitat for over 12,000 species in greatest conservation need identified in state wildlife action plans. To build upon the State and Tribal Wildlife Program, TCF urges Congress to enact the Recovering America's Wildlife Act. This legislation aims to provide critical resources to conduct proactive, non-regulatory fish and wildlife conservation efforts nationwide.

—FWS-Chesapeake Watershed Investments for Landscape Defense Program at \$15 million

—NPS-Chesapeake Bay Gateways and Watertrails Program at \$3 million

—USFS-Community Forest and Open Space Conservation Program at \$7 million

Department of the Interior-Natural Resource Damage Assessment and Restoration Program at \$10 million. The Restoration Program leads the National response for recovery of natural resources that have been injured or destroyed because of oil spills or releases of other hazardous substances. Recoveries from responsible parties can only be spent to implement restoration plans developed by the Trustee Council for each incident. These funds are one hundred percent private and represent the amount needed to restore environmental resources or compensate for lost public use since the damage in question. The FY2024 funds would allow the Program to add carefully targeted staff allocated to Interior bureaus and offices through its Restoration Support Unit to accelerate restoration activities.

Environmental Protection Agency Programs: TCF encourages the Committee to fund:

—Great Lakes Restoration Initiative (GLRI) at \$425 million. TCF urges funding of GLRI at \$425 million. The Initiative provides critical support for on-the-ground restoration programs and projects targeted at the most significant environmental problems in the Great Lakes ecosystem.

—Chesapeake Bay Program at \$91.5 million: TCF urges funding of the Chesapeake Bay program at \$91.5 million. This program brings together a diverse partnership to support the Bay's restoration.

The Conservation Fund stands ready to work with you to secure full and consistent funding for the LWCF and the other critically important programs that help protect the environment, economies, forests, and community values across our Nation. Thank you for the opportunity to provide this testimony and your consideration of our request.

[This statement was submitted by Kelly Reed, Senior Vice President of Government Relations, The Conservation Fund.]

PREPARED STATEMENT OF THE COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT

The Cooperative Alliance for Refuge Enhancement urges Congress to sufficiently fund the Operations & Maintenance budget of the National Wildlife Refuge System and address the staffing shortfall so it can continue to effectively fulfill its conservation mission, provide opportunities for wildlife dependent recreation, and connect communities to nature.

Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong congressional commitment for conserving these special landscapes. All CARE members listed below have endorsed this testimony and our request to your subcommittee. We represent millions of users of the National Wildlife Refuge System—wildlife watchers, hunters, anglers, wildlife professionals and conservationists, and Friends members.

American Birding Association	National Wildlife Refuge System
American Fisheries Society	Association
American Sportfishing Association	Safari Club International
Association of Fish and Wildlife Agencies	The Nature Conservancy
Backcountry Hunters & Anglers	The Corps Network
Congressional Sportsmen's Foundation	The Wilderness Society
Defenders of Wildlife	The Wildlife Society
Ducks Unlimited, Inc.	Theodore Roosevelt Conservation
Izaak Walton League of	Partnership
America Marine Conservation	Trout Unlimited
Institute	U.S. Sportsmen's Alliance
National Audubon Society	Wildlife Forever
National Wildlife Federation	Wildlife Management Institute

The National Wildlife Refuge System is the world's largest network of lands and waters dedicated to wildlife conservation, and the only set of Federal lands in the Nation set aside for the management of America's native wildlife. Found in every U.S. state and four territories, national wildlife refuges conserve a diversity of America's environmentally sensitive and recreationally vital ecosystems, including wetlands, coasts, forests, prairie, tundra, deserts, and oceans, and provide Americans with an opportunity to encounter and engage with these areas.

These lands and waters are important recreational and tourism destinations in communities across the United States, and offer a variety of recreational opportunities, including sustainable hunting and fishing, wildlife observation, photography, environmental education, and interpretation.

However, without adequate funding, the ecological and recreational potential of the Refuge System cannot be fully realized. The President's \$624.9 million request for Refuge Operations & Maintenance represents a needed increase over FY2023 funding levels and will help secure a strong future for the Refuge System, but more needs to be done.

The \$503 million appropriated to the Refuge System in FY 2010 equates to \$700 million in 2022 dollars. Current funding (\$541 million) provides a mere .64 cents per acre for management. Since funding has not kept pace with inflation, this has led to unsustainably low staffing levels, lost capacity, and a significant maintenance backlog.

STAFFING

At its peak, staffing levels exceeded 3,240 employees across the Refuge System. Over 800 permanent refuge positions have been lost since FY 2011, an enormous 25% loss in capacity. Today, the Refuge System is staffed by approximately 2,400 permanent staff while the actual need is estimated to be 7,300. An additional \$560 million would be needed to hire enough staff to reach full staffing capacity.

Some refuges have seen staff reductions of 75% or more, requiring consolidation or reduction of visitor services, management and law enforcement. No refuges are fully staffed, and more than half of refuges have zero staff on site. Many refuges are closed to the public and are completely unmanaged.

Rising fixed costs are also eating into increases in appropriations. It costs the refuge system an estimated \$3 million for every one percent raise in payroll costs. System-wide, the modest funding increase provided in FY 2021 did not even cover the cost of the scheduled 1% Federal wage increase. Without base increases in the budget to cover these fixed costs, several much-needed positions are eliminated every year.

PLANNING

By law, the Refuge System must update their Comprehensive Conservation Planning (CCPs) every 15 years. Up-to-date management plans ensure that each wildlife refuge can be adaptable to present and upcoming needs, from a changing climate and extreme weather events like wildfires, to rising recreational visitors and commercial uses. However, due to a consistent lack of funding, over forty percent of CCPs have become out-of-date or were never finalized. Not only do some wildlife refuges not have the staff or capacity to carry out a new CCP process, but some simply do not have the resources to renew these important plans. With an increased planning budget, the Refuge System could modernize and update these important management plans that help them reach their conservation goals.

VISITOR SERVICES

Despite staffing and planning shortages, the Refuge System has grown significantly since FY 2010, both in terms of acreage (14 new refuge units and millions of acres of marine national monuments) and services (the urban program has dramatically changed the way conservation is delivered to constituents, and visitor numbers have grown, to over 67 million visitors a year in FY 2022). These pressures are putting increased strain on the System that provides vital wildlife habitat and important services to hunters, anglers, birders, and other nature enthusiasts.

CARE welcomes sustainable recreational use of national wildlife refuges. The “Big 6” uses of the Refuge System—hunting, fishing, wildlife watching, photography, environmental education, and interpretation—were enshrined into law in the 1997 National Wildlife Refuge System Improvement Act. As the Refuge System has opened additional acres for hunting and fishing, there is not an equivalent increase in funding to improve habitat, maintain necessary infrastructure like blinds, boat launches, piers, parking lots, and restrooms, or support popular hunting and fishing programs for youth and serve people with disabilities, veterans, seniors and others. Insufficient funding does not allow the Refuge System to retain and hire enough qualified biologists, visitor services staff, law enforcement, and the wage-grade staff to provide the services needed to properly maintain these places enjoyed by so many Americans.

IMPACTS TO FISH AND WILDLIFE

CARE’s primary concern is what this means for wildlife populations. Shorebird populations have declined 40% over the last 40 years, the primary cause of which is human disturbances. There are numerous refuge units along the east coast, which should be a haven and resting spot for migratory birds. However, funding shortages have meant that there are few staff on the beaches to prevent and mitigate conflicts between people and wildlife.

Significant progress has been made in the early detection and rapid response against newly introduced invasive species on refuge system lands thanks to the expansion of invasive species strike teams. Now up to 14 teams, this program prevents the spread of newly introduced invasive species on the refuge system and nearby public and private lands, protecting resources for adjoining communities. However, additional funding for access enhancements and infrastructure, such as watercraft cleaning stations, are needed to empower public adoption of invasive species prevention best practices. Funding for wildlife and habitat management activities is desperately needed to deal with longer term invasive species management challenges. Without funding to apply prevention measures, new threats will emerge and known invasive species such as phragmites, kudzu, quagga mussels, purple loosestrife, feral hogs, and invasive carps will continue their spread throughout the refuge system.

THE NEED FOR ACTION

If funding for refuges remains stagnant for operations and maintenance activities, we anticipate further impacts both within and outside of refuge boundaries. These impacts could include closures of visitor centers, elimination of environmental education programs for schools, reduced habitat quality, diminished hunting and fishing opportunities, reduced invasive species management on refuge lands and nearby private lands, and reduced capacity for prescribed fire, which is an important tool to improve wildlife habitat and to reduce hazardous fuels.

The common denominator to all these challenges is a lack of funding. Adequate staffing and funding are critical to the maintenance of healthy wildlife populations and access for recreational users to healthy ecosystems. Increasing funding for the System will empower and enable individual refuge units to deliver on-the-ground

conservation that benefits not only wildlife and recreation, but also local communities across the Nation.

On behalf of our more than 16 million members and supporters, CARE thanks the subcommittee for the opportunity to submit comments on the FY 2024 Senate Interior Appropriations bill. We are available to discuss our request with the committee at a time of their convenience. All questions can be directed to Libby Marking at lmarking@refugeassociation.org.

[This statement was submitted by Libby Marking, CARE Chair & Director of Government, Affairs for the National Wildlife Refuge Association.]

PREPARED STATEMENT OF THE COUNCIL OF INFRASTRUCTURE FINANCING
AUTHORITIES

The Council of Infrastructure Financing Authorities (CIFA) represents the Clean Water and Drinking Water State Revolving Funds (SRFs), the Nation's premier programs for funding water infrastructure that protects public health and the environment. The SRFs provide subsidized, low-interest loans to repair, replace, rehabilitate and improve water, wastewater, recycled water and stormwater infrastructure.

REQUESTS FROM THE CLEAN WATER AND DRINKING WATER SRFs

- Fund the SRFs to the full authorizations—\$3 billion each
- Fund WIFIA for state financing authorities to the full authorization—\$5 million
- Fund congressional earmarks without cutting funding to the SRFs
- End duplicative mandates for additional subsidy
- Eliminate state match for federally mandated additional subsidy in the Infrastructure Investment and Jobs Act (IIJA)
- Increase flexibility for generating state match
- Increase flexibility for lead service lines and emerging contaminants in the IIJA

WHY FULLY FUND THE SRFs?

CIFA urges Congress to fund the SRFs to their full authorizations in the law—\$3 billion each.

According to the results of the 7th Drinking Water Needs Survey, America needs to invest \$625 billion over the next 20 years to provide safe drinking water to communities across the Nation, a 32% increase from previous assessment. While Congress reauthorized the SRFs at significantly higher levels in the IIJA, Congress has failed to fund the SRFs at new levels.

Increasing Federal funding for the Clean Water and Drinking Water SRFs is a long-term, fiscally responsible approach to funding infrastructure that protects public health and the environment. As revolving loan programs, the SRFs provide a perpetual, renewable source of revenue for the never-ending, and always evolving, need for ongoing investment in water infrastructure. Every Federal dollar provided to the SRFs is loaned and repaid over and over again—funding projects that would never have been built if the SRFs were a traditional grant program. Federal funding provided in 2024 will pay for projects for future generations, forever.

The SRFs efficiently and effectively deliver State and Federal funding to thousands of communities across the Nation. States, not Federal agencies, pick the projects based on State and local priorities. In 2021, the SRFs provided nearly \$9.4 billion—including more than \$6.4 billion in state funds—for 2,767 projects. That year, 68% of SRF subsidized loans were directed to projects in small, rural and disadvantaged communities, many of which couldn't otherwise afford to pay for the infrastructure needed to meet stringent water quality standards.

Subsidized loans provide significant savings to communities, which relieves pressure on utilities to raise rates on households. Compared to a municipal bond at the current rate of 3.65%, an SRF subsidized loan at 1% can save as much as 75% in interest payments over the life of the loan. With rising interest rates in the municipal bond market, savings from SRF subsidized loans will increase. Increased funding is also needed to help keep pace with historic inflation, which disproportionately impacts water infrastructure due to increased competition from other well-funded infrastructure sectors.

While the IIJA provided significant supplemental appropriations to the SRFs, nearly half of funding in the IIJA—\$20 billion—can only be used to replace lead

service lines and address emerging contaminants; these funds can't be used to repair or replace a broken water main—even one made of lead!

Additionally, CIFA urges Congress to fully fund delegated water quality programs, including the Public Water System Supervision Grants and Water Pollution Control (Section 106) Grants. These programs play an integral role in the permitting of water infrastructure projects that protect water quality and public health. Without increased Federal funding, States may not have adequate resources to implement these delegated programs and process permit applications for drinking water and wastewater infrastructure projects, the number of which have increased due to supplemental appropriations in the IIJA.

FUND CONGRESSIONAL PROJECTS WITHOUT CUTTING SRF FUNDING FOR STATE PROJECTS

CIFA urges Congress to fund congressional projects (earmarks) in addition to fully funding the SRFs for state projects. Over the last 2 years, Congress used the SRF capitalization grant to pay for earmarks which has resulted in cuts to net Federal funding (SRFs + earmarks) for water, wastewater and stormwater infrastructure in 36 States, Puerto Rico and Washington, D.C. State profiles on the impact of earmarks.

As a result of these cuts, an estimated one-third of “supplemental” funding for 2023 in the IIJA was needed to offset cuts in annual Federal funding. In addition to less funding for SRF state projects, using the capitalization grant to pay for congressional earmarks has a cascade of consequences:

- Less funding for principal forgiveness and grants for small, rural and disadvantaged communities.
- Increased interest rates on SRF subsidized loans to secure a bond for leveraged programs.
- Cuts to State and local water quality programs and technical assistance for small and disadvantaged communities.
- A permanent reduction in funding for future water infrastructure projects.

If funding remains the same as 2022 or 2023 levels and all project requests from the U.S. House of Representatives are funded, funding for the Clean Water SRFs would be cut by more than 75% and the Drinking Water SRFs would receive zero funding.

Funding	Clean Water SRF	Clean Water SRF
2022 Capitalization Grants	\$1,638,826,000	\$1,126,088,000
2024 Project Requests (House)	- \$1,296,973,173	- \$1,233,158,539
2024 Project Requests (Senate)	TBD	TBD
Remaining Funding	\$341,852,827	(\$107,070,539)

ELIMINATE DUPLICATIVE FEDERAL MANDATES FOR ADDITIONAL SUBSIDY

CIFA urges Congress to eliminate mandates for additional subsidy in the annual appropriations bill. Additional subsidy is the portion of an SRF subsidized loan that doesn't have to be repaid and comes in the form of principal forgiveness or a grant.

Federal mandates for additional subsidy erode the fundamental nature of the SRF subsidized loan programs which were intended to create a permanent, protected, recurring source of funding to meet water infrastructure needs for future generations.

In addition to the additional subsidy mandates in the IIJA, the 2023 appropriations bill required the Clean Water SRFs to use 10% of annual Federal funding and the Drinking Water SRFs to use 14% of annual Federal funding for grants or principal forgiveness.

- The IIJA mandates that 55% of total SRF appropriations in the law be provided as grants or principal forgiveness.
- The IIJA doubled the amount of annual Federal funding to the Drinking Water SRF that must be provided as grants or principal forgiveness, from 6% to 12%. SRFs may provide up to 35% of annual Federal funding for additional subsidy.
- The IIJA established a new mandate for additional subsidy for the Clean Water SRF, requiring 10% of annual Federal funding be provided as grants or principal forgiveness. Previously, Clean Water SRFs had the flexibility to provide

up to 30% of annual Federal funding to communities that met affordability criteria or implemented green projects.

ELIMINATE STATE MATCH FOR FEDERALLY MANDATED ADDITIONAL SUBSIDY IN THE IIJA

CIFA urges Congress to exclude federally mandated additional subsidy from state match requirements. Mandates for additional subsidy jeopardize the ability of SRFs to generate adequate revenue for state match and program administration and have the unintended consequence of increased costs for borrowers.

States can only use interest payments, not loan repayments, as a way to generate state match. When mandates for additional subsidy reduce funding for subsidized loans, SRFs must increase interest rates on loans to generate enough revenue to meet its obligations.

REMOVE BARRIERS FOR GENERATING STATE MATCH

CIFA urges Congress to remove the prohibition on cross-collateralization for bonds used for state match. Cross-collateralization allows interest payments from both programs to secure a bond. Combining the assets of both programs can reduce interest rates on bonds, which is especially helpful for the Drinking Water SRFs that have fewer assets than the Clean Water SRFs. While Federal law allows cross-collateralization to leverage a program, Federal law doesn't extend the cost-saving benefits for the purposes of generating state match.

INCREASE FLEXIBILITY FOR LEAD SERVICE LINES AND EMERGING CONTAMINANTS IN THE IIJA

CIFA urges Congress to increase flexibility for IIJA funding to replace lead pipes and remediate emerging contaminants with a focus on per- and polyfluoroalkyl substances (PFAS). No permanent changes are needed, but providing more flexibility to these restricted funds will allow the SRFs to move Federal funding more quickly into communities to address these serious threats to public health.

Drinking Water SRF Funding for Lead Service Line Replacement:

- Maintain the current 49% mandate for additional subsidy but allow SRFs to use up to 100% of Federal funding for grants or principal forgiveness for any community. Additional flexibility is needed to cover the cost of replacement of the private portion of the lead service line without passing on the cost to homeowners. In many communities, replacement projects are less likely to move forward without additional financial assistance.
- Provide SRFs with the flexibility to contract directly for lead service line inventories. Additional flexibility is needed to more efficiently procure services to conduct the inventories, especially for small, rural and disadvantaged communities.
- Allow communities to use lead funding to replace all lead pipes, including lead water mains which are currently ineligible.
- Allow funding to be used to replace indoor lead plumbing in limited circumstances, such as water fountains and faucets, in public buildings or buildings that serve vulnerable populations, such as daycare centers, schools, nursing homes, libraries, and courthouses.

Clean Water SRF Funding for Remediation of Emerging Contaminants:

- Allow communities to use funding for testing, monitoring and watershed studies to find the existence and sources of emerging contaminants. U.S. EPA currently prohibits the use of this funding to find PFAS, which is ubiquitous.
- Allow SRFs to use funding to contract directly for remediation efforts. Additional flexibility will allow States to remove known contaminants that are a threat to water quality on property not owned by a water system.
- Extend the deadline to apply for the capitalization grant by 1 year to provide sufficient time for SRFs to build a pipeline of high-quality projects for this funding.

[This statement was submitted by Deirdre Finn, CIFA Executive Director.]

PREPARED STATEMENT OF DEFENDERS OF WILDLIFE

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to submit testimony. I am Mary Beth Beetham, Director of Legislative Affairs at Defenders of Wildlife. Founded in 1947, Defenders has nearly 2.2

million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

Biodiversity is in crisis on a global scale. Numerous scientific studies in the last several years have raised the alarm about this crisis. A landmark 2019 study¹ compiled by hundreds of the world's leading scientists found that about one million species are facing extinction. In February 2023, a new study² found that 40% of animals and 34% of plants in the United States are at risk of extinction, while 41% of ecosystems are facing collapse. The health of wildlife and ecosystems is directly related to human health—healthy ecosystems support clean water, clean air, and pollination, on which we all depend. The 2023 World Economic Forum Global Risks report continues to find that biodiversity loss and ecosystem collapse is seen as one of the fastest growing global risks over the next 10 years.³

The biodiversity crisis cannot be addressed without funding—more than 1,900 scientists previously signed a letter⁴ published in the journal *Science* which asked Congress to fully fund conservation programs to protect biodiversity, including the Endangered Species Act (ESA). While we appreciate the modest increases provided in the final FY 2023 bill, years of severely inadequate funding and the scale of the catastrophe facing the planet's wildlife make them gravely insufficient. Significantly more funding is needed in every area.

In addition, Defenders is deeply disturbed that, although neither the House nor Senate FY 2023 bill included the sage-grouse rider, the omnibus yet again included this longstanding prohibition on protecting the sage-grouse under the ESA that has been in the bill since 2014. This rider, which undermines sound science and the ESA, must be removed from the FY 2024 bill once and for all. Any additional riders that undermine the ESA and protections for wildlife must also be rejected.

FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service (FWS) is our Nation's premier wildlife conservation agency. To address the biodiversity crisis, the agency needs additional increases to support recovery of threatened and endangered species; protect migratory birds and fish, species of global conservation concern and other trust species; and prevent domestic and international wildlife crimes.

Ecological Services—Defenders is part of a coalition of more than 120 organizations requesting a significant infusion of funds into the Ecological Services program to begin to address the biodiversity crisis. We very much appreciate the \$384.5 million in the president's request, but the need is far greater. Based on available data on the needs and costs for ESA implementation by FWS across its programs, as well as inflation adjustment, our recommendation is \$723.7 million, or \$455.2 million more than the FY 2023 level:

- Listing: There are approximately 200 species on the FWS National Listing Workplan for FY 2022–FY 2027 that must be reviewed for protections under the ESA, with more species petitioned for protection every year. For FWS to meet this obligation, a total of \$66.3 million is needed annually, an increase of \$42.9 million.
- Recovery: Of the more than 1600 listed U.S. species, more than 1200 have no recovery plans or have plans that are at least a decade old and that may no longer contain current scientific information, especially related to climate change. Hundreds of listed species receive less than \$1,000 per year for recovery and many receive no FWS funding at all. Congress should provide a minimum of \$50,000 per year per species for recovery. For FWS to meet its obligations under the recovery budget, a total of at least \$467.9 million is needed annually, an increase of \$353.7 million. We very much appreciate the continuation of report language directing FWS to incorporate climate change adaptation into recovery plans and recovery implementation strategies. We urge ongoing oversight of this effort.
- 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 agency also has significantly increased obligations under the Infrastructure Investment and Jobs Act (IIJA). To meet these needs and to work with non-federal stakeholders to develop Habitat Con-

¹ Diaz, S., J. Settele, E. S. Brondizio, et al. 2019. "Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services."

² NatureServe. 2023. *Biodiversity in Focus: United States Edition*.

³ World Economic Forum Global Risks Report 2023

⁴ Malcom, J et al. 2019. "Solve the biodiversity crisis with funding." *Science* 365 (6459): 1256

servation Plans, \$179.3 million is needed annually, an increase of \$58.5 million. We are grateful for the continued support for the Integrated Planning and Consultation system and for compliance monitoring and we urge continued oversight. In addition, we strongly support the request in the president's budget to expand authority beyond existing reimbursable and Economy Act authorities to enable Federal agencies to transfer funds provided under the IJA to FWS and the National Marine Fisheries Service to increase capacity for planning and consultation.

—Conservation and Restoration: At least \$10.2 million per year is needed for the Candidate Conservation element of Conservation and Restoration to assist with early conservation action on the current 23 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 Operations and Maintenance—A key component in addressing the biodiversity crisis in the U.S. is to refocus Federal land management on it. Our National Wildlife Refuge System is the largest network of public lands and waters in the Nation dedicated to wildlife conservation. Since 2010, the System has added 2 million land acres, 14 national wildlife refuges, and nearly 600 million acres of marine national monuments, has experienced a 34 percent increase in visitation, and has worked to significantly expand its urban refuge program in historically excluded communities. Yet the System has lost 25 percent of its staff since 2010, and despite increases provided in the FY 2023 bill, its funding is far below the FY 2010 inflation adjusted level of roughly \$700 million. Defenders recommends \$1.5 billion, an increase of \$958 million, which is needed for the System to meet its mission.

Partners for Fish and Wildlife—Defenders supports the \$79.7 million in the president's request, an increase of \$19.5 million, to address a backlog of applications and fund practices that could restore tens of thousands of land acres and stream miles on private land. We urge inclusion of report language directing continued prioritization of projects that connect, enlarge, and buffer National Wildlife Refuges.

Migratory Bird Management—In North America nearly 3 billion birds have disappeared since 1970 and the only groups to not suffer severe declines were waterbirds that have received substantial funding over the decades.⁵ The administration is currently working to develop regulations to govern incidental take under the Migratory Bird Treaty Act following the reversal of harmful Trump-era policies. We are extremely pleased with the \$78.5 million in the request, an increase of \$24.6 million, to support crucial survey and monitoring programs, to build resilience of bird species and their habitats, to help support development of proposed regulations under the MBTA, and to support Urban Treaties intended to create bird-safe environments in cities.

Office of Law Enforcement (OLE) and International Affairs (IA)—For OLE, we support the \$104.4 million in the request, an increase of \$12.3 million, to help OLE continue to address the crisis in the illegal global wildlife trade and the threat of zoonotic disease. For IA, we support \$31 million, an increase of \$1.9 million, crucial in continuing to combat illegal wildlife trade and to build capacity in range countries.

Science Applications—We support the request of \$55.5 million, an increase of \$20.1 million, to support partnerships and habitat strategies focused on biodiversity, adaptation, and resilience.

Key grant programs—We support: \$117.7 million for the Cooperative Endangered Species Fund, an increase of \$60.3 million; \$10 million for the Neotropical Migratory Bird Fund, an increase of \$4.9 million; and \$30 million for the Multinational Species Conservation Fund, an increase of \$9 million.

U.S. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) and the U.S. Forest Service (FS) manage close to 20 percent of the country's land base, providing habitat for hundreds of species listed under the ESA and thousands of sensitive species. These agencies have long been deprived of the funding they need to adequately conserve and recover imperiled species. We thank the subcommittee for increases provided in the FY 2023 bill. Proactive investments to recover at-risk species can prevent the need for listing under the ESA. Likewise, recovery actions help listed species reach the point where

⁵Rosenberg, L. V. et al. 2019. "Decline of the North American avifauna." *Science* 366 (6461): 120–124.

they can eventually be delisted. Given the enormity, urgency, and complexity of the extinction crisis and the importance of Federal public lands, continued increases are still needed for programs listed below to help prevent species' extinctions and restore resilient native ecosystems.

FS Threatened, Endangered and Sensitive (TES) Species—Defenders recommends \$23 million, an increase of \$21 million, and reestablishing a specific line item for TES under Wildlife and Fisheries Habitat Management (WFHM). This amount should also be reflected in top-line increases for WFHM to ensure that increased capacity for TES does not detract from WFHM's other mission-critical functions. Based on cost estimates in ESA recovery plans, the FS would need to spend \$43 million annually to start meeting its obligations to help recover the over 400 listed species that occur on FS-administered lands. Recognizing the significant gap between current funding and projected need, Defenders recommends a 2-year ramp-up to reach this \$43 million goal by the end of this Congress, starting with \$23 million in FY 2024. Additionally, we request report language stipulating that these funds are intended for recovery programs and actions rather than consultations under ESA Section 7(a)(2), which should be funded by the benefitting programs. We also request report language directing the FS to provide an accounting of how funds are allocated to specific recovery programs and activities.

FS Legacy Roads and Trails (LRT)—Defenders recommends \$100 million for LRT, an increase of \$94 million, including salaries and expenses to support the program. The increase would restore capacity and address the \$4.4 billion backlog of projects that the FS has identified. LRT lacked specific funding between FY 2018 and FY 2021 when the line item was absorbed into the broader Capital Improvement and Maintenance budget, mostly halting projects and compounding the backlog. IJA provided funding to partially address this funding gap, but annual appropriations remain essential. The enacted level of \$6 million is a fraction of the \$40 million that LRT received prior to budget modernization. Contracts and materials account for a much higher proportion of LRT's costs than other programs and must be accounted for in a significantly higher line item.

BLM Plant Conservation and Restoration—Defenders supports \$34.7 million, an increase of \$14.1 million, for BLM, in coordination with other agencies, to operationalize recent National Academy of Sciences (NAS) recommendations⁶ for providing a reliable supply of native seeds necessary for ecological restoration and climate resilience. NAS warned that insufficient supplies of native seeds and plant materials are a major barrier to ecological restoration and revegetation and that “substantial inter-institutional commitment...at a much more intensive and expansive level than is currently underway” is needed. We also urge establishment of the program as its own activity with requisite FTEs and report language directing the Departments of the Interior and Agriculture to brief the Committee on implementation of the NAS report.

BLM Threatened and Endangered (T&E) Species—Defenders recommends \$38.5 million, an increase of \$4.5 million, and elevation of the program to its own sub-activity to meet its obligations to help recover the over 300 listed species that occur on public lands and promote conservation of over 2,400 additional at-risk (unlisted) species. This increase should be reflected in top-line increases for Wildlife Habitat Management (WHM) to ensure that increased capacity for T&E does not detract from WHM's other mission-critical functions.

BLM Wildlife Habitat Management (WHM)—Defenders supports \$176.7 million, an increase of \$27.7 million and \$14.7 above the president's budget. The increase addresses the recent deficit of \$6.3 million that resulted from recent increases in the T&E and Plant Conservation and Restoration programs without fully commensurate increases in WHM. It also accounts for recommended FY 2024 increases for the nested programs as well as inflation.

U.S. GEOLOGICAL SURVEY

Ecosystems—Defenders supports the \$395 million in the request, an increase of \$87.8 million to support development of crucial scientific information for sound management of our Nation's biological resources. This includes a total of \$87.3 million, an increase of \$24.2 million for the National and Regional Climate Adaptation Centers.

[This statement was submitted by Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife.]

⁶National Academies of Sciences, Engineering, and Medicine. 2023. *An Assessment of Native Seed Needs and the Capacity for Their Supply: Final Report*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26618>.

PREPARED STATEMENT OF THE DEPARTMENT FOR PROFESSIONAL EMPLOYEES

On behalf of the Department for Professional Employees, AFL-CIO (DPE), I write in support of funding the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) at no less than \$211 million each in fiscal year (FY) 2024.

Many members of DPE's affiliate unions in the arts, entertainment, and media industries earn their living working on NEA and NEH-supported productions, programs, and performances. Still, more union creative professionals who work now in the commercial parts of these industries benefited from the nonprofit arts and media sector's role as a proving ground for establishing their lifelong careers.

Funding the NEA and NEH at no less than \$211 million each will ensure that the agencies can continue to support good-paying, family-supporting jobs for creative professionals in every State and congressional district, including the members of DPE's unions. Through grants, seed money, and technical support, the two agencies help put these people to work on artistic and educational content that is available to Americans of all means, geographies, and abilities. NEA and NEH-funded programs help veterans heal from the invisible scars of war, inspire the next generation of creators and innovators, and deliver content that unites people across small towns and big cities. Increasing the NEA and NEH annual funding level to no less than \$211 million each in FY 2024 is also an important step toward a full funding level of \$1 per capita.

Additional NEA and NEH funding will help ensure that creative professionals can continue to work safely and sustain their recovery from the COVID-19 pandemic's economic devastation. Creative professionals were among the first to lose their jobs at the pandemic's outset, and they have been among the last to return to their jobs.

Increased funding for the NEA and NEH is also good for local communities and the small businesses that rely on the customer traffic that gets generated when people attend a nearby production or performance. Pre-pandemic research shows that audiences spend an estimated \$31.47 per person, per event, beyond the cost of admission, on lodging, restaurants, clothing, transportation, and other goods and services.

In addition, DPE believes the NEA and NEH are instrumental to creating diverse talent pipelines and developing a well-trained, representative workforce for a sector that generates more than four percent of the United States' GDP and produces a positive trade balance.

Put simply, the NEA and NEH are critical agencies for working people and local economies. Their work delivers a high return on investment and cannot be replaced by the private sector. I urge the subcommittee to fund the NEA and NEH at no less than \$211 million each.

If you have any questions, please contact me or DPE Assistant to the President/Legislative Director, Michael Wasser, at mwasser@dpeaflcio.org.

SINCERELY,



JENNIFER DORNING, PRESIDENT

PREPARED STATEMENT OF THE DINÉ BI OLTA SCHOOL BOARD ASSOCIATION

The Navajo Nation established the Diné Bi Olta School Board Association (DBOSBA) to represent the locally-elected school boards within the Navajo Nation. With its representation of school boards from the 66 Bureau of Indian Education-funded (BIE) schools located on the Navajo Nation in Arizona and in New Mexico, DBOSBA's membership constitutes more than one-third of the 183 BIE-funded schools nationwide. Of those 66 BIE-funded schools, 32 are operated by the BIE and 34 are tribally-operated (33 pursuant to grants under the Tribally Controlled Schools Act, Public Law 100-297 (TCSA) and one pursuant to a contract under the Indian Self-Determination and Education Assistance Act, Public Law 93-638 (ISDEAA)). DBOSBA unites school boards to advocate for educational programs and services that help ensure each Navajo student graduates with the preparation nec-

essary to lead a productive and fulfilling life, with knowledge and understanding of Navajo language and culture.

DBOSBA appreciates the key increases the subcommittees provided FY 2023. DBOSBA respectfully asks that Congress continue to build upon these achievements. Our priorities for the FY 2024 Indian Affairs budget are:

- 50% increase for ISEP Formula Funds (BIE);
- Ensure full funding for Teacher Pay Parity (BIE);
- Ensure that the employees of all BIE-funded schools are eligible to participate in the Federal Employee Retirement System (BIE);
- Forward and full funding for Facilities Operations and Facilities Maintenance (BIE);
- Increases for Student Transportation (BIE) and Road Maintenance for School Bus Routes (BIA);
- Increases for Early Childhood and Family Development and Special Education (BIE);
- Increases for Education IT (BIE);
- Continued full funding for Tribal Grant Support Costs (BIE);
- Mandatory funding for Tribal 105(l) (“full service”) leases (BIA);
- Increases for Education Construction (BIE);
- Accountability for how the percentage of COVID relief funds set-aside for the BIE was allocated and distributed (BIE);
- Rescission of Secretarial Order 3334 Reorganizing the BIE; and
- End unlawful reporting requirements imposed on schools (BIE).

ISEP Formula Funds are the core account for BIE-operated and tribally controlled schools (also known as “grant schools”). This account funds everything from classroom instruction materials and teacher salaries to gifted and talented programs, summer programs, and food services. Increases in ISEP Formula Funds directly benefit students and help attract and retain the quality teachers vital to our students’ academic success. BIE-funded schools across the Nation are facing a significant teacher shortage, but that shortage is particularly acute here on the Navajo Nation, where many schools operate in remote locations and because the surrounding public schools in New Mexico and Arizona have responded to the teacher shortage by substantially increasing teacher pay. Having the resources to attract and retain quality teachers is one of our biggest challenges and substantial increases are needed.

Full Funding for Teacher and Counselor Pay Parity is a critical tool for attracting and retaining quality teachers. Federal law requires the BIE provide funding so that teachers and counselors in the BIE-funded school system may be paid equivalent salaries to their counterparts in the Department of Defense Education Activity. Federal law also provides that, at the discretion of the local school board, a BIE-operated school may pay salaries consistent with those paid by public schools in the state where the BIE school is located.

DBOSBA would like to thank the subcommittees for the ongoing references to the FY 2021 House Report 116–448 and the Joint Explanatory Statement accompanying the 2021 Consolidated Appropriations Act which direct the BIE to “clearly display funding amounts required to comply with Defense Department-equivalent pay rates as part of future budget justifications and to include sufficient funding in its budget request to fully fund these requirements.” We ask the subcommittees to continue to hold the BIE accountable for quantifying and requesting the correct amount for pay parity and ensuring that the amounts provided are sufficient to match the increases provided by the Defense Department schools or are consistent with the rate of pay of public schools in the States where our BIE-operated and tribally controlled schools are located, whichever of these rates is higher. Given the acute teacher shortages, this parity is essential to our schools’ ability to recruit and retain qualified teachers.

Ensuring that employees of all BIE-funded schools are eligible to participate in the Federal Employee Retirement System (FERS) would significantly bolster the ability of grant schools in the BIE school system to attract and retain quality teachers. Congress recently extended grant schools the opportunity to offer their employees insurance through the Federal Employee Health Benefits (FEHB) and Federal Employee Group Life Insurance (FEGLI) programs. Also, in House Report 117–400 accompanying the FY2023 Consolidated Appropriations Act, Congress directed Indian Affairs to “study the systems, processes, and authorizations necessary to extend FERS benefits to police officers employed under a Public Law 93–638 contract

or compact.” DBOSBA is seeking similar language for teachers and staff employed by Bureau of Indian Education-funded, Tribally Controlled Schools operated under Public Law 100–297 grants or Public Law 93–638 contracts.

Forward and full funding for Facilities Operations and Facilities Maintenance. These two accounts play a pivotal role in the health and safety of our students and staff. These two accounts are also severely underfunded and two of the remaining core school operations accounts not forward funded. This means that when there are government shut downs or continuing resolutions, some schools do not receive these critical funds until the end of the school year! Further, significantly more funding is needed to address the BIE system-wide maintenance backlog (of more than \$725 million as of 2019) and to ensure schools have enough funding to adequately heat and cool buildings. DBOSBA encourages Congress to both fully fund and to shift these two accounts to the forward funded portion of the BIE’s budget to further insulate schools from the uncertainties of continuing resolutions and government shutdowns.

Student Transportation (BIE) and Road Maintenance for School Bus Routes (BIA) are of particular importance to schools located on the Navajo Nation. Our students travel some of the longest distances to their schools on some of the worst roads in the Nation. Outdated buses improperly equipped to handle the many unpaved and unimproved roads put our students’ safety at risk or can mean that our students miss critical instruction days and fall behind their peers in other jurisdictions. DBOSBA also cautions that the proposed conversion to electric buses could actually present new problems given the extensive distances of remote bus routes on the Navajo Nation and the limited electric system capacity of many of our communities. Without further increases for Student Transportation and Road Maintenance, and the alignment of new technologies to our circumstances, this precarious situation will continue.

Early Childhood and Family Development funding plays a critical role in preparing children for school and supporting and empowering their parents. Substantial program increases are needed each year to expand these opportunities to more BIE-system schools. Of the 183 schools in the BIE school system, the Administration’s FY 2023 budget justification reports that just 51 receive Early Childhood and Family Development funds. The National Education Association finds that children in early childhood education programs are: less likely to repeat a grade; less likely to be identified as having special needs; more prepared academically for later grades; more likely to graduate from high school; and more likely to become higher earners in the workforce. DBOSBA asks the subcommittees to increase funds for this critical line item.

Special Education requires greater investment and improved congressional oversight of the BIE. American Indian children are more likely to require special education services than any other group in the United States (18% of students, according to the National Center for Education Statistics in 2020, but our experience indicates an even higher rate for students at Navajo Nation schools). Yet, our schools do not have the resources to recruit qualified and culturally knowledgeable special education teachers. In addition to funding, greater accountability of the BIE is needed to ensure that the resources made available to the BIE serve to enhance special education programming and services for the students who need them.

Education IT, specifically, funding to increase connectivity for schools and students is critical: our schools’ connectivity needs persist even after the worst of the pandemic recedes.

School Facilities Improvement & Repair and School Replacement Construction in the BIE’s Education Construction budget also significantly impact the health and safety of our students and staff. This funding not only helps keep our students and staff safe, it also helps prolong the useful life of our school buildings. Unfortunately, many schools throughout the BIE system are far beyond the end of their safe and useful life and must be replaced. Many of these schools in poor or dangerous condition are located on the Navajo Nation. The BIE’s FY 2023 budget justification reports that only two of the 10 schools on the 2016 School Replacement List are complete. It is critical for Congress to continue to provide robust levels of funding for School Replacement Construction so the remaining schools on the list can be completed expeditiously and progress can be made on the list of schools identified through the now yearly Site Assessment Capital Investment (SA–CI) program.

Continued Full Funding for Tribal Grant Support Costs means that tribally controlled schools can focus ISEP funds where it counts: supporting students, improving classroom instruction, and attracting and retaining quality teachers. DBOSBA thanks Congress for providing full funding for Tribal Grant Support Costs since FY 2016.

Shifting 105(l) Tribal Leases to Mandatory Funding would make the discretionary budget process more predictable and would free up additional funding for Indian programs within the topline allocation for the Interior, Environment and Related Agencies appropriations bill. In FY 2024, the Administration is requesting that this account be classified as mandatory spending. DBOSBA strongly supports the Administration's request.

Accountability for how the percentage of COVID relief funds set-aside for the BIE was allocated and distributed (BIE). DBOSBA is particularly concerned by the BIE's failure provide regular updates on its COVID-19 pandemic relief funds. The BIE withheld 10% of pandemic relief funding-or \$124,939,000-for BIE-system schools without providing meaningful updates on how the funds have been allocated and distributed. The agency previously communicated that it would dedicate a portion of its overall pandemic relief monies to carry out much needed upgrades to information technology and ventilation systems, but the BIE has not been transparent about its progress in implementing these upgrades or how it will use or distribute the remaining balance of the amounts withheld from the allocation of pandemic response funds. Many students and schools in the Navajo Nation continue to face significant technological limitations, which includes limited or no access to reliable internet connectivity. Further, many of our schools operate in buildings with sub-standard heating, ventilation and cooling systems. As schools in the Navajo Nation continue to adapt to changes in Federal guidance and the threats posed by new COVID-19 variants, it is critical that the BIE regularly consult with schools as to pandemic-recovery priorities and that BIE expeditiously utilize its pandemic relief funding to implement the targeted upgrades it promised.

Rescission of Secretarial Order 3334 Reorganizing the BIE. DBOSBA asks that the subcommittees urge the Department of Interior to rescind Secretarial Order No. 3334 ("Order") which directed the reorganization of the BIE, and to instead implement programs and changes consistent with the Order's overarching purpose, and reaffirm Interior's commitment to "facilitate Indian control of Indian affairs in all matters relating to education," and, more broadly, to support Tribal sovereignty and self-determination in the education of Native children.

End unlawful reporting requirements imposed on schools. DBOSBA asks that the subcommittees urge the BIE to immediately halt the imposition of burdensome reporting requirements that are not permitted by statute, have not been agreed to by the schools, and that operate to perpetuate the Federal bureaucratic domination of Indian education programs.

DBOSBA thanks the subcommittees for the opportunity to provide this testimony.

[This statement was submitted by Ervin Chavez, Executive Board Chair of the Diné Bi Olta School Board Association.]

PREPARED STATEMENT OF THE ENTOMOLOGICAL SOCIETY OF AMERICA

The Entomological Society of America (ESA) respectfully submits this statement for the official record in support of funding for entomology-related activities at the U.S. Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA) Forest Service, and the U.S. Department of Interior (DOI). For fiscal year (FY) 2024, ESA recommends \$967.8 million for the EPA Science and Technology (S&T) account, with \$40 million towards the Science to Achieve Results (STAR) Program, as well as strong support for programs across the agency that advance the safe application of pesticides. ESA also strongly supports EPA's commitment to work with other Federal agencies to monitor and improve pollinator health. In addition, ESA requests the Forest Service be funded at no less than \$9.7 billion in discretionary funds. Within the Forest Service, ESA requests the Forest and Rangeland Research budget be supported with at least \$349 million to preserve valuable invasive species research and development. The Society also supports continued investment in Forest Health Management programs across the Forest Service at no less than the FY 2020 request level of \$100 million. ESA also recommends that DOI continue to support the important work of the National Invasive Species Council (NISC), at a level no less than \$2 million for its critical coordination of efforts across agencies to respond to the threats posed by invasive species.

Advances in forestry and environmental sciences, including the field of entomology, protect our ecosystems and communities from threats to our Nation's economy, public health, and agricultural productivity and safety. Through improved understanding of invasive insect pests and the development of biological approaches to pest management, entomology plays a critical role in reducing and preventing the spread of infestation and diseases harmful to national forests and grasslands. The study of entomology also contributes to the development of Integrated Pest Manage-

ment (IPM) techniques, which use science-based, environmentally conscious, comprehensive methods to take effective management action against pests, often resulting in lower costs through a more judicious use of pesticides. Entomology also improves our knowledge of pollinators and factors affecting pollinator health and populations, helping to ensure safe, reliable crop production that meets the needs of a growing world population.

EPA carries out its mission to protect human health and the environment by developing and enforcing regulations, awarding grants for research and other projects, conducting studies on environmental issues, facilitating partnerships, and providing information through public outreach. Through these efforts, EPA strives to supply the Nation with clean water, clean air, a safe food supply, and communities free from pollution and harmful chemical exposures. EPA's Pesticides Licensing Program Area, supported by EPA's Science & Technology and Environmental Program & Management budgets, evaluates, and regulates new pesticides to ensure safe and proper usage by consumers. Through the mandate of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA uses scientific expertise and data, including knowledge gained from entomological sciences, to set maximum tolerated residue levels and to register pesticide products as effective and safe. By controlling insects that carry diseases of humans and domesticated animals, consume agricultural and horticultural products, and become established as invasive species that endanger our environment, pesticides registered by EPA help protect public health and the Nation's food supply.

Although pesticide registrations and regulations are within EPA's purview, the agency has not been a major sponsor of entomology research. However, EPA has provided support to projects that promote IPM adoption and the safe application of pesticides while also promoting pollinator protection. For example, the EPA has supported the Pesticide Educational Resources Collaborative (PERC), a cooperative agreement between the EPA's Office of Pesticide Programs and University of California Davis Extension, in collaboration with Oregon State University, which empowers farmworkers and other pesticide handlers to employ better and safer practices in pesticide use. Since 2016, PERC has developed and implemented over 40 multilingual pesticide-related training programs, manuals, videos, and guides which are widely relied upon by the community.¹ The program has been so successful that it was renewed in 2021 for a second cycle, along with a similar program, PERC-Med focused on education and awareness raising of the safe application of pesticides among health professionals. In addition, the EPA's Pesticide Environmental Stewardship Program (PESP) grants enable grantees to "implement sustainable pest management practices that reduce unnecessary risks from pests and pesticides."² While IPM is a long-standing paradigm for mitigating pests, relatively few focused funding sources are available to support entomologists conducting research or participating in community outreach on this subject. ESA encourages the committee to encourage EPA to expand its investment in IPM and other innovative programs to promote the safe use of pesticides through increased funding for such activities across the agency's research and regulatory portfolios. ESA also requests \$967.8 million for EPA S&T account including \$40 million for the EPA's Science to Achieve Results (STAR) Program.

ESA is also supportive of increased funding for scientific studies and other efforts to protect pollinator populations and health. Pollinators play a vital role in our Nation's agriculture industry. Honeybees alone pollinate more than 100 crops in the U.S. and are essential to produce an estimated one-third of all the food we eat or export, contributing over \$24 billion in annual crop and seed production in the U.S. alone, with even greater contributions when accounting for ecosystems services. To ensure a healthy bee population, more research is needed to fully understand the diverse factors that endanger bee health. Pesticides represent just one potential risk to bees, but both the risks and benefits must be balanced, and they will vary between different crops and different crop-producing regions of the U.S. EPA is well-positioned to identify methods for protecting bee health. The agency has awarded agricultural grants to three universities to aid in the development of IPM practices that lower pesticide risks to bees while protecting valuable crops from pests. ESA supports EPA's continued participation in multi-agency efforts to investigate pollinator health and implement plans to prevent pollinator population decline -including the new vulnerable Species Pilot Project.

¹ EPA Awards \$6 Million to the University of California, Davis to Support Pesticide Safety Outreach <https://www.epa.gov/newsreleases/epa-awards-6-million-university-california-davis-support-pesticide-safety-outreach>. Accessed March 14, 2023.

² Pesticide Environmental Stewardship Program Grants <https://www.epa.gov/pesp/pesticide-environmental-stewardship-program-grants>. Accessed March 14, 2023.

The U.S. Forest Service (USFS) sustains the health, diversity, and productivity of 193 million acres of public lands in national forests and grasslands across 44 States and territories. Serving as the largest supporter of forestry research in the world, the agency employs approximately 30,000 scientists, administrators, and land managers. In addition to activities at the Federal level, the Forest Service provides technical expertise and financial assistance to state and private forestry agency partners.

The USFS Forest and Rangeland Research budget supports the development and delivery of scientific data and innovative technological tools to improve the health, use, and management of the Nation's forests and rangelands. Programs within Forest and Rangeland Research provide science-based approaches to reduce and prevent the spread of destructive insects, plants, and diseases that can have serious economic and environmental consequences for our Nation. For example, USFS scientists are working to understand the impact of the mountain pine beetle (MPB, *Dendroctonus ponderosae*) on U.S. forests. Since 2000, outbreaks of MPB have affected more than 10 million hectares of lodgepole pine forests, compromising long-term forest health while creating the potential for more dangerous wildfires, loss of wildlife habitat, poorer water quality, and soil erosion.³ Such outbreaks are predicted to continue in the face of increased temperatures and drought associated with climate change. Funding for such studies will enable land managers to better predict and respond to ecosystem changes that occur following such outbreaks. ESA requests that Forest and Rangeland Research be funded with at least \$349 million for FY 2024.

The Forest Health Management program, also implemented by the USFS, conducts mapping and surveys on public and private lands to monitor and assess risks from potentially harmful insects, diseases, and invasive plants. The program also aids State and local partners to prevent and control outbreaks that threaten forest health. Invasive forest insects cost local governments alone an average of over \$2 billion per year; direct costs to homeowners from property loss, tree removal, and treatment averages \$1.5 billion per year.⁴ Initiatives within the Forest Health Management program help control these costly pests. The program's "Slow the Spread" activities have led to a 60 percent reduction in the rate of the spread of the spongy moth (*Lymantria dispar dispar*), another invasive species, resulting in a consistent estimated benefit-to-cost ratio of 3:1 since the program started in 2000. Additionally, the southern pine beetle (*Dendroctonus frontalis*) is the most destructive pest of pine trees from New Jersey to Florida and west to Texas. This beetle caused an estimated \$1 billion in damage during an outbreak across the southern U.S., and it has since rapidly moved further northward. The new northeast range of the southern pine beetle includes threatened and rare pine ecosystems, such as the Pine Barrens of New Jersey⁵. Funding for the Forest Health Management Program supports detection, monitoring, prevention, and management of this pest to slow its spread and limit its damage as it affects more and more of our country's forests. To support these important functions, ESA requests that the subcommittee provide no less than \$100 million for Forest Health Management.

The National Invasive Species Council (NISC) plays a critical role in coordinating policy, communication, and technology application to address invasive species detection and response across 16 Federal agencies. NISC serves a vital function since the impacts of invasive species are felt across a variety of sectors (agriculture, environmental protection, public health). According to the NISC, invasive species impose substantial costs on society, leading to an estimated \$120 billion in environmental damages and losses annually in the United States. Invasive insects have directly impacted native insect populations and entire ecosystems through predation, plant consumption, and disease transmission. For example, emerald ash borer (EAB, *Agilus planipennis*) is an exotic beetle that was discovered in Michigan in 2002. Since its discovery, EAB has been detected in 36 States, Washington, D.C. and five Canadian provinces. It has killed hundreds of millions of ash trees in North America and cost cities, property owners, Major League Baseball, tree nurseries, and forest

³Fettig, C.J., R.A. Progar, J. Paschke, F.J. Sapio. Forest insects. G. Robertson, T. Barrett (Eds.), Implications of Forest Disturbance Processes for Sustainability in the Western US. PNW-GTR-XX. U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station, Portland, OR (2020).

⁴Aukema, J.E.; Leung, B.; Kovacs, K.; et al. 2011. Economic impacts of non-native forest insects in the continental United States. PLoS ONE 6(9): e24587.

⁵Dodds, K. J.; Aoki, C. F.; Arango-Velez, A. et al. 2018. Expansion of southern pine beetle in northeastern forests: management and impact of a primary bark beetle in a new region. J. For. 116(2): 178–191.

products industries hundreds of millions of dollars.⁶ Preventing establishment of invasive species like EAB depends on early detection and rapid response. Improving these efforts requires not only relying on standard means of inspection and tracking but taking advantage of new technologies as well. To respond to such threats, NISC helped coordinate the development of guidelines for use by decision makers that improve access to and analysis of invasive species information⁷. Such methods can enable more effective communication and aid in early detection of invasive species and rapid response, potentially saving billions of dollars' worth of crops, safeguarding native ecosystems, and preventing the destruction of private property. ESA requests that the Committee provide the DOI funds to support NISC at no less than \$2 million in FY 2024.

ESA, headquartered in Annapolis, Maryland, is the largest organization in the world serving the professional and scientific needs of entomologists and individuals in related disciplines. Founded in 1889, ESA has more than 7,000 members affiliated with educational institutions, health agencies, private industry, and government. Members are researchers, teachers, extension service personnel, administrators, marketing representatives, research technicians, consultants, students, pest management professionals, and hobbyists. Thank you for the opportunity to offer the Entomological Society of America's support for programs at the National Invasive Species Council, Forest Service and EPA programs.

For more information about the Entomological Society of America, please see <http://www.entsoc.org/>.

[This statement was submitted by Marianne Alleyne, Ph.D. President, Entomological Society of America.]

PREPARED STATEMENT OF THE ENVIRONMENTAL COUNCIL OF THE STATES

The Environmental Council of the States (ECOS)—the national nonprofit, non-partisan association of State and territorial environmental agency leaders—appreciates the opportunity to submit written testimony on the Fiscal Year 2024 (FY24) President's budget request for the U.S. Environmental Protection Agency (EPA). ECOS requests \$692.3M for four specific Categorical Grant programs and support for addressing per- and polyfluoroalkyl substances (PFAS) and other EPA programs.

STATES LEAD IN IMPLEMENTING THE NATION'S ENVIRONMENTAL LAWS

Congress has established in the Nation's three key environmental statutes—the Clean Water Act (CWA), the Clean Air Act (CAA), and the Resource Conservation and Recovery Act (RCRA) Subtitle C—its intent for States to have primary responsibility and rights to prevent, reduce, eliminate, and control water, air, and hazardous waste pollution through the management of permit and enforcement programs. EPA notes in its March 2022 FY2022–2026 Strategic Plan that “States and local governments serve as primary implementers of many of the Nation's environmental laws.” As an example, of the 51,927 facilities permitted for air emissions in 2022, States were the permitting agency for more than 47,300 facilities—that is 91%—with just under 4,000 facilities permitted by local governments and 663 by EPA.¹ Through permitting, state environmental agencies protect human health and the environment while also supporting economic development. States conduct public meetings to promote understanding and help communities and regulated entities, including small businesses, navigate the sometimes-complex permitting process through technical assistance. States also conduct most inspections and enforcement activities nationwide through Federal delegation to ensure compliance, a level playing field, and protect communities. Sufficient funding is critical to maintaining the core ability of state staff to issue and renew permits, gather data for determinations regarding the health of local and regional air and water resources, and meet inspection and enforcement priorities for existing and new obligations.

The scope and breadth of state environmental agency activities is ever expanding. With respect to PFAS, ECOS has requested that EPA urgently provide States fund-

⁶Emerald Ash Borer Information Network <http://www.emeraldashborer.info/index.php>. Accessed March 14, 2023.

⁷Enabling Decisions that Make a Difference: Guidance for Improving Access to and Analysis of Invasive Species Information 2018. https://www.doi.gov/sites/doi.gov/files/uploads/isim_guidance.pdf.

¹Source: Analyze Trends: EPA/State Air Dashboard ECHO US EPA, March 15, 2023

ing and flexibility to address PFAS.² Many States report spending significant resources taking samples, gathering data, conducting testing, and investigating and responding to complaints and concerns related to drinking water, air quality, wastewater discharges, contaminated properties and the management of waste. While States, Federal agencies, industry, and others have worked together on PFAS through the Interstate Regulatory and Technology Council (ITRC) and ECOS has published a PFAS and biosolids report and a paper on setting state PFAS standards, States will need more funding to build capacity and infrastructure to implement and enforce PFAS-related regulations.

In addition to the challenges posed by emerging contaminants, there are new Federal expectations regarding the implementation of delegated programs, such as stepped-up community engagement including increased translation service expenses, support for public involvement, cybersecurity protection, and other activities that require expanded state activities to support permit issuance and other delegated activities. For example, EPA has asked States to analyze disparate impacts in the issuance of some permits.

Categorical Grant funding to States is the most significant Federal support for core day-to-day delegated program activity and state staff capacity. In FY2002, State & Tribal Categorical Grants received \$1.1B. Two decades later, funding is \$1.16B. At the same time, inflationary pressures³ make it hard for States to keep up with recruitment and retention of key staff given the rising cost of living. There is also an increasing need for investment in modern infrastructure like electronic permitting and air monitoring networks and a corresponding need for analysis of growing environmental monitoring data. In sum, Federal support to States has eroded.

Through an ECOS resolution, States urge the U.S. Congress and EPA to financially support state implementation efforts commensurate with the complexity and breadth of Federal requirements so we may fulfill our obligations to our communities. Please consider the following:

I. INCREASE STATE AND TRIBAL ASSISTANCE (STAG) CATEGORICAL GRANTS

ECOS has looked closely at three critical Categorical Grant programs: State and Local Air Quality Management (CAA §§ 103, 105, and 106); Pollution Control (CWA § 106); and Resource Recovery and Hazardous Waste (formerly Hazardous Waste Financial Assistance) (RCRA § 3011) and determined that a course correction is necessary to address persistent erosion in Federal support. ECOS finds that a modest 1% compounding annual escalation is the minimum ongoing Federal funding trajectory needed. Going back to FY10 and course correcting based on a 1% compounding increase would amount to a \$51.7M funding increase in FY24. Accordingly, for FY24, ECOS requests that Congress enact a combined \$642.3M for these three programs as shown in the table below—\$260.4M for air; \$263.5M for water, and \$118.8M for hazardous waste.

STAG Categorical Grant	State and Local Air Quality Management (CAA § 103, 105, and 106)	Water Pollution Control (CWA § 106)	Resource Recovery and Hazardous Waste (RCRA § 3011)	13-year Enacted Level Increase	Total
FY10 Enacted*	\$226.6M	\$229.3M	\$103.3M		\$559.2M
FY23 Enacted**	\$249.0M	\$237.0M	\$105.0M	\$31.8M	\$591.0M
FY24 Funding Request based on 1% Escalation starting FY10	\$260.4M	\$263.5M	\$118.8M		\$642.3M
Delta: 1% escalation vs. FY23 enacted	\$11.4M	\$26.5M	\$13.8M		\$51.7M

*Source: FY11 EPA Budget in Brief pg. 69;

**Source: FY23 Joint Explanatory Statement

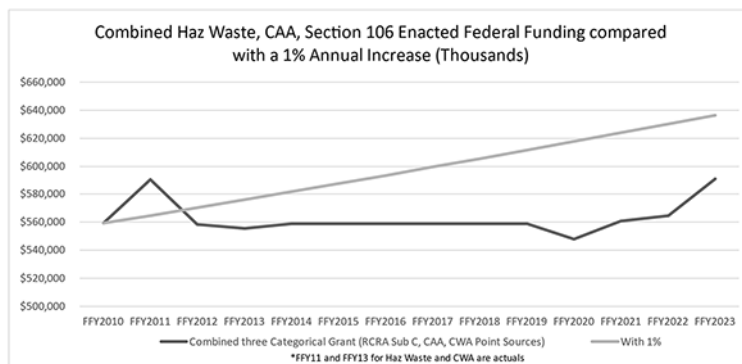
In FY23, Congress provided small increases over FY22 levels to all Categorical Grant programs. However, some increases funded new work rather than existing

²ECOS Resolution 21-1: Advancing Collaboration and Coordination on Per- and Polyfluoroalkyl Substances

³Current inflation for the period ending February 2023 is approximately 6 percent. Source: Current US Inflation Rates: 2000–2023 US Inflation Calculator

core work. As an example, the increase of \$2.5M for the Resource Recovery and Hazardous Waste Categorical Grant includes \$4M for development and implementation of state coal combustion residuals (CCR) programs, effectively a cut to State hazardous waste programs. True increases for hazardous waste program work, independent of CCR program work, are needed.

Changes in Federal law have resulted in a steady decrease in the volume of hazardous waste being regulated in many States impacting program funding. While there has been a drop in revenues from decreased hazardous waste volume, the number of entities requiring permits and inspections has increased, particularly small quantity generators. The Association of State and Territorial Solid Waste Management Officials state survey from 2019 indicated the total cost of operating the RCRA program nationwide was \$168.8M. States were required to provide a 25% match, and with congressionally enacted funding, States provided another \$37M beyond the required match, a rate that is not sustainable. In 2018, EPA's OIG noted, "Most States are authorized to implement the majority of new required hazardous waste rules promulgated by the EPA. However, States and the EPA have taken many years to authorize rules—from less than 1 year to more than 31 years. No state has been authorized by the EPA for all required rules. For the 173 required rules, the number not authorized ranges from six to 98 per State; eight States have not been authorized for more than 50 rules." Further, "For Hazardous and Solid Waste Amendments of 1984 (HSWA) rules, EPA regions can administer the requirements if a State has not received authorization. However, for non-HSWA rules, the EPA cannot administer a rule when a State has not yet been authorized for the rule, which creates regulatory gaps. Unauthorized non-HSWA rules create risks to human health and the environment."⁴ A second OIG report in 2022 noted that not all treatment, storage, or disposal facilities are being inspected at the frequency mandated by RCRA.⁵ Underfunding may lead to program challenges and delays.



Given constraints on the use of major source air permit fees under the CAA and Title 40 Code of Federal Regulations Part 70, many other critical—and federally required—activities are under-funded, including updating State Implementation Plans, support for small business programs and emission reductions from smaller sources, support for enhanced community air monitoring, and the development of inventories and rules. Congress has mandated that the U.S. Forest Service conduct prescribed fires yet has not provided a companion declaration for EPA to respond to increased prescribed fires and their potential impact on State and local air quality attainment. EPA is now considering lowering fine particulate matter levels under the National Ambient Air Quality Standards (NAAQS), which would likely result in many areas nationally falling out of compliance with those lower NAAQS. This may also create further tension with wildfire risk mitigation strategies with prescribed burns that may be limited by air quality standards. The majority of the State and Local Air Quality Management Categorical Grant is provided as CAA §105 air grants that require a 40% match or maintenance of effort, whichever is higher. States continue to seek an increase in funding and for this to be provided

⁴ July 2018 EPA OIG report, Incomplete Oversight of State Hazardous Waste Authorization Creates Regulatory Gaps and Human Health and Environmental Risks.

⁵ June 2022 EPA OIG report, The EPA Continues to Fail to Meet Inspection Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities.

as CAA § 103 awards to avoid a match requirement and allow agencies that do not have sufficient matching funds to still obtain grants.

CWA § 106 grants support work with 900,000 National Pollutant Discharge Elimination System (NPDES) regulated facilities with increasing complex challenges to reduce nutrients in surface waters, meet electronic reporting requirements, address PFAS and other contaminants, and more.⁶ State water programs also need funding to close the monitoring gap for state water quality impairments and improvements including the use and tracking of nature-based solutions. These and other such activities are needed to develop water quality standards and total maximum daily load listings, improve surface water quality, restore impaired waterbodies, increase water reuse activities to respond to climate change, address backlogged NPDES general permits, and conduct other core water pollution control activities.

II. “OFF THE TOP” CUTS ERODE CLEAN WATER STATE REVOLVING FUND (CWSRF) AND DRINKING WATER STATE REVOLVING FUND (DWSRF) PROGRAMS

In the FY23 enacted budget, Congress stipulated \$863M of CWSRF and \$609M of DWSRF funds go to Community Project Funding/Congressionally Directed Spending (CPF/CDS). EPA has taken \$1.472B for 715 CPF/CDS projects “off the top” of the state capitalization grants, 53% of the annual SRF funding provided, prior to state capitalization awards being made and importantly, before state “set-asides” are taken. The state set-asides are used to supplement public water system supervision program funding, to protect source water, to address failing septic systems, to provide stormwater control measures, to take cybersecurity measures, to provide technical assistance, and more—up to 6% for CWSRF and up to 31% for DWSRF. These across-the-board cuts create challenges and uncertainty for States with year-to-year staff planning, with budgeting for non-infrastructure support activities, and with long-term viability of SRFs, as funds will not “revolve” in future years as the CPF/CDS funds are not repaid. CPF/CDS projects are also managed outside existing State programs, creating a parallel bureaucracy. States ask that CPF/CDS not be taken from SRFs and ask that Congress maintain and increase SRF funding levels for state-run programs in FY24 and beyond.

III. ADDITIONAL CONSIDERATIONS

These issues also remain important to state environmental agencies:

1. Fund Multipurpose Categorical Grants. States seek \$50M for these flexible funds, which can be applied broadly to state identified priorities, do not require a match, and expand state implementation capacity of Federal environmental programs.
2. Continue to invest in data modernization for drinking water, clean water, and clean air. Through E-Enterprise for the Environment, States, Tribes, and EPA are working jointly to modernize the complex reporting processes for sharing Safe Drinking Water Act and Clean Water Act and Clean Air Act state enforcement information, a critical collaboration to develop effective multi-directional data flows that are not duplicative, burdensome, and expensive and focus on efficient data exchange solutions and on providing more accurate information to the public.
3. State Research Needs. ECOS affiliate the Environmental Research Institute of the States published its 2022 biannual survey of state environmental agency research needs. ECOS urges Congress to provide funding to EPA to help States meet these needs.

On behalf of ECOS, I thank the subcommittee for considering the views of state environmental agencies as you prepare EPA’s FY24 budget. Please don’t hesitate to reach out to me or ECOS Executive Director Ben Grumbles at bgrumbles@ecos.org or (202) 266-4929.

[This statement was submitted by Myra Reece, Director of Environmental Affairs, South Carolina Department of Health and Environmental Control.]

PREPARED STATEMENT OF THE ENVIRONMENTAL AND ENERGY STUDY INSTITUTE

Thank you for the opportunity to submit written testimony for the record in support of programs under the subcommittee’s jurisdiction that support climate change mitigation and adaptation.

⁶Source: Association of Clean Water Administrators FY23 testimony to the U.S. Senate, April 2022.

The Environmental and Energy Study Institute (EESI) is a non-profit organization founded in 1984 on a bipartisan basis by members of Congress to help educate and inform policymakers, their staff, stakeholders, and the American public about the benefits of a low-emissions economy that prioritizes energy efficiency, renewable energy, and new clean energy technologies. In 1988, EESI declared that addressing climate change is a moral imperative, and that has since guided our work.

Climate adaptation and resilience work should complement and, when possible, contribute to a decarbonized, clean energy economy. From droughts to wildfires and hurricanes to extreme heat, different regions, States, and communities will experience different climate change-related threats. Communities need locally tailored, accessible, actionable, and coordinated data to make informed decisions to reduce their climate risks and safeguard the ecosystems on which they depend.

Effectively synchronizing landscape conservation and climate adaptation efforts across Federal agencies and with non-federal partners will require investing in a new durable, comprehensive, and inclusive structure and approach to landscape conservation. EESI's Congressional briefing, *Building a Durable National Framework for Large Landscape Conservation*,¹ provides more information on the intersection of collaborative, landscape-scale conservation and climate adaptation efforts.

To advance this work, we support the following funding requests in the President's Fiscal Year 2024 Budget Request:

U.S. FISH AND WILDLIFE SERVICE

- \$55.5 million for the Science Applications Program. This program effectively coordinates large landscape conservation, climate resilience, and habitat connectivity efforts across the Federal Government and with state, Tribal, and nongovernmental partners nationwide. More specifically, this funding would support collaborative partnerships in areas ranging from the Appalachian Mountains to the Pacific Northwest. It would also support landscape conservation designs, which are developed with communities to spatially identify the most strategic conservation and restoration priorities in areas such as the Southeast and the sagebrush sea.
- \$79.7 million for the Partners for Fish and Wildlife Program under the Habitat Conservation activity. In particular, we urge you to fund the \$3M requested within this program to specifically to expand successful work with private landowners and other partners to conserve wildlife migration corridors, improve landscape connectivity, and restore fish passage. This funding enables implementation Secretarial Order 3362, *Improving Habitat Quality in Western Big Game Winter Range and Migration Corridors*, which has transcended Republican and Democratic administrations. Securing dedicated funding for this work is essential, as continuing to compete for and cobble together the funding necessary for this program is neither a strategic nor a sustainable funding strategy.
- \$20.4 million for the Coastal Program under the Habitat Conservation Activity. This program enhances the resilience of coastal communities while enhancing coastal habitat connectivity. Additionally, if funded at the requested level, this program could remove dozens of fish passage barriers.
- \$624.9 million for the National Wildlife Refuge System. This funding would enable the agency to take a large landscape conservation approach to planning, conservation, and restoration of the habitat they manage, which is especially important for migratory species.
- \$18.5 million for the Migratory Bird Joint Ventures Program under the Migratory Bird Management activity. This funding would enable continued collaboration with diverse stakeholders to conserve and restore habitat within critical flyways across the country.

BUREAU OF LAND MANAGEMENT

- \$162 million for the Wildlife Habitat Management activity. This funding would allow the bureau to conserve seasonal habitats and migration corridors, as well as support Tribal co-stewardship efforts, including habitat connectivity initiatives. More specifically, it would enable the bureau to implement a landscape-scale approach to conserving and restoring the threatened sagebrush ecosystem, which provides essential habitat for migratory birds, pollinators, and big game.

¹Building a Durable National Framework for Large Landscape Conservation: <https://www.eesi.org/briefings/view/032922fed>

U.S. GEOLOGICAL SURVEY

- \$13 million for the Species Management Research subactivity under the Ecosystems Activity. This funding would support important conservation science, including producing maps of desert tortoise connectivity to guide responsible solar energy development decisions.
- \$79.6 million for the Land Management Research subactivity under the Ecosystems Activity. In particular, we urge you to fund the \$2.4 million requested within this program for the agency to expand its work with States and Tribes to map big game migration corridors in the western U.S. The additional \$2 million of funding for this work would also allow the agency to support partners to incorporate the data into conservation, restoration, and transportation planning to enhance habitat connectivity and reduce wildlife-vehicle collisions.

NATIONAL PARK SERVICE

- \$509.6 million for the Resource Stewardship subactivity of the Park Management activity. This funding would support conservation of our natural and cultural heritage, including support for collaborative landscape conservation science and projects.

U.S. BUREAU OF RECLAMATION

- \$2.3 million for the Cooperative Watershed Management Program within the WaterSMART Program. This program provides crucial financial assistance for collaborative groups to coordinate, plan, and implement strategic watershed management projects.

Overall, these programs provide critical support for landscape conservation and connectivity—a practice that conserves biodiversity, supports regional economies, and enhances the resilience of communities and nature in an era of rapid change.

Thank you for your consideration.

[This statement was submitted by Daniel Bresette, President, Environmental and Energy Study Institute.]

PREPARED STATEMENT OF THE FEDERATION OF STATE HUMANITIES COUNCILS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, my name is Phoebe Stein and I am the President of the Federation of State Humanities Councils (Federation), the membership organization of the 56 state and jurisdictional humanities councils. Thank you for the opportunity to submit testimony.

The state and jurisdictional humanities councils were authorized in the founding legislation for the National Foundation for the Arts and Humanities and are funded, in part, through the Federal/State Partnership (F/SP) line in the National Endowment for the Humanities (NEH) budget. The councils are 501(c)(3) nonprofit organizations, with voluntary boards and they leverage their NEH funding to raise millions of dollars to invest in local projects and grassroots organizations. While councils' funding comes from a variety of sources, NEH support is critical, especially for on-going operations.

The Federal/State Partnership (F/SP) funding, currently (FY 2023) at \$65 million, goes directly to the state councils by formula. To ensure that every council receives approximately \$100,000 in additional funding in a year, an additional appropriation in excess of \$6 million is needed in the F/SP; for a \$50,000 increase for each council, an additional \$3+ million is needed.

Councils operate in nearly all Congressional districts. Each year, councils make thousands of grants to local cultural organizations—schools, libraries, museums, historical societies, preservation groups, and other non-profit organizations—to develop and/or present programs, exhibits, lectures, and discussions free to their communities. Many councils conceive, create, and deliver their own programs. In 2022, councils made more than 3,700 grants to local entities, partnered with more than 5,000 local organizations and reached more than 71 million of your constituents.

In response to COVID, councils served as the grant-making agency for both CARES and ARP funding. Councils oversaw the award of more than 7,000 grants under the two programs. But, those funds were obligated quickly; and the ARP process identified more than \$40 million in proposals unmet for lack of resources; furthermore new community needs and interests continue to arise. Thus, we are back to the appropriations level that supports approximately 3,700 grants, a reminder of the needs that exist not only in COVID's aftermath (such as teacher institutes and

re-learning in the K–12 system) but also in new and expanding areas (history, the 250th anniversary of the Declaration of Independence, health and well-being, inclusion and belonging, environmental humanities, and the multitude of other issues where the humanities help define us and our communities).

Furthermore, numerous studies have indicated that thriving, innovative communities require a combination of factors. Economic strength and opportunities depend not only upon jobs, housing, a trained workforce, access to healthcare, and transportation, but also, importantly, local cultural and recreational activities as well. Placemaking is a significant part of economic development.

Councils seek to meet the needs of a multitude of interests and constituencies in the States, but, there are common threads. In 2022, over 85% of councils provided cultural resources to rural residents; 55% of councils provided programs for veterans, active military, and families; and 43% of councils provided programs focused on health and well-being outcomes.

STRENGTHENING RURAL CONNECTIONS AND CULTURAL OPPORTUNITIES

Ninety-seven percent of the American landscape is rural and rural areas play a role in many aspects of our lives: food supply, water and other natural resources, forest products, recreational activities, and are home to millions of Americans. As previously noted, 85% of councils bring excitement and vitality to rural areas of their States and promote discussion of challenges facing these locations.

For more than 25 years, councils have partnered with the Smithsonian's Museum on Main Street (MoMS), a series of traveling exhibitions that facilitate local discussions, understanding, and connections. Last year alone, councils supported MoMS programming in 76 communities across 21 States. The current exhibit "Crossroads" focuses on the changing rural landscape, with other exhibits relating to such topics as food, work, water, local stories, innovation, and culture. In 2023–24, the Alabama Humanities Alliance will enhance the exhibits with local discussions of how small places in the state are being transformed by economic pressures, the pandemic and population changes.

In addition, many councils offer programs for their States and communities. In Montana, for example, the council developed "Hometown Humanities" which works with individual communities to build capacity and make long-term investments to strengthen cultural infrastructure. Humanities North Dakota's Public University Program provides quality lifelong learning opportunities to residents of rural communities through a wide range of courses from literature and history to economics and social science.

UNDERSTANDING AND SHARING OUR HISTORY

Historical and cultural events, local, State, national, and international, have been a mainstay of councils over the past half-century. A review of any council website will illustrate the breadth and scope of programming on historical topics. The West Virginia Humanities Council maintains eWV, a comprehensive collection of articles on West Virginia's people and places, history, arts, science and culture. The council also partners with public radio to provide podcasts on historical events. eWV also includes under its eWV Classroom section a selection of lesson plans designed by West Virginia teachers. Humanities Washington supported a program, "A Matter of Loyalty: Poetry, Stories, and Images," in honor of Day of Remembrance of Japanese-American Incarceration and several other programs honoring Japanese culture.

Most councils participate in the annual National History Day Program which reaches far beyond a "day." The effort involves more than half a million students in grades 6–12 and tens of thousands of teachers annually in the student history contest which culminates in a week-long session for 3,000 winners. Students produce papers, exhibits, performances, documentaries, and websites as part of their research and communications work. The Alabama Humanities Alliance has initiated a vigorous outreach throughout the state to teachers, parents and students to broaden and diversify participation in the program. And, councils are involved in plans for the Semiquincentennial in 2026 when our Nation will commemorate the 250th anniversary of the Declaration of Independence. Nevada Humanities, for instance, has held many events through A More Perfect Union to deepen appreciation of humanities' connection to untold stories in Nevada communities and promote understanding the founding of the Nation in all its complexities.

CIVIC EDUCATION

For decades, the State and jurisdictional humanities councils have actively conducted or supported nonpartisan programs, resources, and events providing civic education in support of our democracy. Recently, the humanities councils offered

programs in 43 States and territories as part of the “Why It Matters: Civic and Electoral Participation” initiative. These events provided free humanities programming to engage the public in collaborative, accessible, and thought-provoking dialogues on the importance of electoral and civic participation. Since 2018, nearly all councils have conducted or supported programs as part of the Federation’s Mellon-funded “Democracy and the Informed Citizen” national initiative, which focuses on the role of journalism and the humanities in a democratic society as well as on the ways citizens gather, assess, and share information to make decisions about the futures of their communities and nation. Rhode Island Humanities, with its partners, has produced a Civic Health Index that examines five areas: community well-being, social connection, public participation, collective understanding and engagement with government.

SERVING TEACHERS AND STUDENTS

Support for our Nation’s educators and students has never been more important. Kentucky Humanities continues to support educators, students, and families with nationally-recognized literacy programs, such as “PRIME TIME, Inc.”. Humanities Nebraska holds Capitol Forum Day to enable high school students from across the State to discuss important global issues and interact with the Governor and Members of Congress.

Councils are also seeing the need for additional teacher and student support in the aftermath of COVID and the expansion of pre-school programs. Many schools continue to confront problems associated with learning and academic loss and recovery, staff shortages, absenteeism, and mental and emotional issues. Creation of resource materials, teacher institutes, and support for summer, after school, and other literacy interventions alleviate academic gaps and improve pre-school preparation for developing reading skills.

INCLUSION, RESPECT, AND BELONGING

Helping to bridge the divides in our communities remains of paramount importance. Programs such as Oregon’s onstage conversation with author and journalist Monica Guzman examined creating connections across political divides and depolarizing our Nation. California Humanities has featured programs on Black Mariners, looking at maritime practices of commercial mariners, whalers, fishers, explorers, and sailors from the 16th to the 20th century.

COLLABORATING WITH NATIVE AND INDIGENOUS POPULATIONS

Councils have regularly partnered with Indigenous communities over the years. For example, the New Mexico Humanities Council has supported Native American storyteller Esther Martinez and her work to preserve the Pueblo history and culture, as well as the Tewa language. Michigan Humanities in their Great Michigan Read program has featured the debut novel *Fire Keeper’s Daughter*, by Angeline Boulley, an enrolled member of the Sault Ste. Marie Tribe of Chippewa Indians. Boulley writes about her Ojibwa community in Michigan’s Upper Peninsula.

ENVIRONMENTAL HUMANITIES

Environmental humanities programs use literature and history to make sense of the changing environmental concerns facing Americans. Humanities Nebraska conducted a session, *Weathering Nebraska*, that explored the interrelationships of water, climate, health, agriculture, and local impact. Humanities Washington worked with a small community to present the lecture “After the Blast: Mt. St. Helens’s 40 Years Later.”

HEALTHCARE AND THE HUMANITIES

Councils have a long history of collaborating with the medical community and play a prominent role in enhancing the lives and work of healthcare providers. Council work also helps individuals and their families manage the many aspects of their illnesses. Since 1997, when Maine Humanities Council created and piloted “Literature & Medicine: Humanities at the Heart of Healthcare,” the reading and discussion program for healthcare workers has been a hallmark effort for many councils. Councils have also targeted specific medical challenges, such as opioid addiction, with their programming.

VETERANS

Councils support veterans and their families in many ways, including the collection of oral histories, the sharing of experiences, the examination of service as seen through literature, writing workshops that encourage the expression of and reflection on aspects of war and its aftermath, dealing with injuries and medical conditions, support for VA medical staff, and helping communities to understand their challenges. Literature & Medicine, mentioned above, has been offered in various veterans' hospitals and medical facilities.

Since 2015 Maryland Humanities has worked with veterans and community partners to plan and facilitate small group reading and discussion programs for veterans in five counties. This program supports current and former service members by offering an opportunity to give voice to their experiences. Families and friends have benefitted from a deepened understanding of the history, experience, and meaning of war.

YOUTH

Youth programs have been integral to council activities for decades. For example, Alaska's "Ilakucaraq Project," conducted in collaboration with the Alaska Native American Education Program, empowers youth to identify their heritage as a source of strength through personal reflections, positive self- and cultural- identity formation, cross-cultural experiences, peer-to-peer learning, elder and culture-bearer teachings, and art. National History Day is designed for 6–12 graders. Other programs impact youth, such as sessions at book festivals, participation in literacy programs, and increasing collaborations with community colleges. Humanities North Dakota's We The People: The Citizen and the Constitution program for high school students focuses on the Constitution and its relevance to the lives of young people today.

COMMUNITY CONNECTIONS

In August the Alaska Humanities Forum will offer training sessions for discussion facilitators to lead conversations about vital issues and ideas across differences, beliefs and backgrounds. These discussions will help build strong relationships within organizations and among communities. As previously mentioned the Rhode Island council has developed a civic health index to examine engagement across communities.

In this space, I described only a very few of the activities underway in communities across the Nation. Councils are proud of their work and their contributions. But we are far from meeting the needs and interests of the States and localities. We need additional resources and we ask this subcommittee's support for directing those additional resources to cities, towns, and rural areas throughout the Nation. With additional funding, we can easily move forward with doubling the 3,700 grants currently awarded annually.

We can reach beyond the 71 million currently served. Councils are on-the-ground, grassroots organizations with broad and deep connections to other local organizations. Investments in the Federal/State Partnership are a direct investment in communities. In a complex, fast-paced and rapidly-changing nation, much work remains to be done.

[This statement was submitted by Phoebe Stein, President, Federation of State Humanities Councils.]

PREPARED STATEMENT OF THE GEOLOGICAL SOCIETY OF AMERICA

SUMMARY

The Geological Society of America (GSA) recommends that Congress provide \$1.85 billion in annual appropriations for the U.S. Geological Survey (USGS) in Fiscal Year 2024. As one of our Nation's key science agencies, the USGS plays a vital role in locating, characterizing and documenting mineral and energy resources that underpin economic security and growth; researching and monitoring potential natural hazards that threaten lives and property; keeping communities informed 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, USGS research, data, and products are used by communities across the Nation to make informed decisions in land-use planning, emergency response, natural resource management, engineering, and education. To fully

implement the agency's mission and fulfill the USGS 21st-Century Science Strategy will require \$1.85 billion in annual appropriations.

The Geological Society of America (GSA) is a scientific society with 19,000 members from academia, government, and industry. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. 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.

The Geological Society of America (GSA) thanks the Committee for recognizing the importance of the work of the U.S. Geological Survey (USGS) to protect lives, property, and national security, and to stimulate economic growth. GSA urges Congress to provide USGS \$1.85 billion in Fiscal Year 2024. This increase will allow the USGS to implement new initiatives, maintain the base funding for critical research and monitoring, fill vacant positions, and address deferred maintenance on existing facilities.

U.S. GEOLOGICAL SURVEY CONTRIBUTIONS TO NATIONAL SECURITY, HEALTH, AND WELFARE

The USGS is one of the Nation's premier science agencies, with the unique capacity to engage interdisciplinary teams of experts to gather data, conduct research, and develop integrated decision-support tools. USGS research is used by communities across the Nation to make informed decisions regarding land-use planning, emergency response, natural resource management, engineering, and education. USGS provides practical, pragmatic science that informs many of society's greatest challenges related to national security, economic competitiveness, health, and welfare. Several are highlighted below.

ENERGY AND MINERALS

As articulated in the Energy Policy Act of 2020, there is a vital need to understand the global and domestic abundance and distribution of critical mineral resources, as well as the geologic processes that form them. Achieving this goal will require continually expanding collection and analysis of geological, geochemical, and geophysical data. Specifically, GSA supports completing the new Energy and Minerals Research Facility on the Colorado School of Mines campus, a USGS facility that will be critical to establishing the workforce needed to secure our energy future by expanding STEM talent, and increasing diversity through student engagement and university partnerships.

GSA supports energy and minerals science, research, data collection and analysis that will allow for more economic and environmental management and utilization. GSA appreciates congressional support for the EarthMRI program, which will both provide new resources and leverage current data to accelerate geological and geophysical mapping, identify critical mineral sites for further scientific study to aid defense, security, and economic uses. The mapping has a central focus on minerals still in the ground and minerals that may be reprocessed from legacy mine waste, and will also provide important data for abandoned mine remediation and for understanding other natural resources.

NATURAL HAZARDS

Natural hazards are a major cause of fatalities and economic losses. In 2022 alone, NOAA found that the U.S. disaster costs exceeded \$165 billion. An improved scientific understanding of geologic and atmospheric hazards will reduce future losses by informing effective planning, mitigation, and resilience. USGS's products are innovative, reliable, timely, and actionable, providing critical information on potential and developing hazards like floods, droughts, earthquakes, volcanos, landslides, and space weather events. GSA urges Congress to continue supporting efforts for USGS to both maintain its fundamental research capabilities, and modernize and upgrade its natural hazards monitoring and warning systems, such as the ShakeAlert Earthquake Early Warning System which, even while still under development, produced several successful earthquake alerts in California this past year.

Decision makers in many sectors rely upon USGS data to respond to natural hazards. For example, USGS volcano monitoring provides data to enable decisions to ensure aviation safety. Similarly, the USGS plays a key role in the National Tsunami Hazard Mitigation Program by tracking tsunami sources using seismic data, and USGS research on storm surge is used by the National Hurricane Center.

USGS is a key partner in obtaining data necessary to predict severe space weather events, which affect the electric power grid, satellite communications, and naviga-

tion systems. The Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow Act (PROSWIFT Act) provides a path forward for USGS research to understand and mitigate space weather risks. In addition, the new Space Weather Advisory Group established by the PROSWIFT Act will conduct a comprehensive survey to identify the research, observations, forecasting, and modeling advances required to improve response to space weather products.

GSA recommends adequate funding to implement recently-enacted hazards-related legislation. For example, the National Landslide Preparedness Act expanded the USGS Landslide Hazards Program, and authorized the 3D Elevation Program (3DEP) which leverages partnerships with the private sector, State and local governments, and other agencies to update and coordinate the collection of high-resolution elevation data across the country. Directives to USGS include identifying, mapping, and understanding landslide hazards, responding to landslide events, and developing landslide guidelines for geoscientists, emergency management personnel, and land-use decision-makers in order to reduce landslide losses and protect communities at risk.

WATER RESOURCES

Improved understanding of the quantity, quality, distribution, and use of water resources through monitoring, assessment, research, and delivery of actionable information by the USGS and associated partners is necessary to ensure adequate and safe water resources for the health and welfare of society. For example, the USGS national network of stream gages provides key data for the weekly U.S. Drought Monitor Maps and classifications, but its funding has been flatlined for many years. A reinvestment in this program will allow the Survey to maintain significant long-term data collection necessary for assessing impacts to water resources brought on by stressors such as climate change.

CLIMATE CHANGE

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. Much of this work operates through the network of nine regional Climate Adaptation Centers (CASC). For example, the Alaska CASC has assessed future landslide risks along road corridors in Denali and other Alaska parks, which will assist planning for new and existing infrastructure to endure under a changing climate. In addition, the Southeast CASC is using artificial intelligence to predict flood damage changes in response to rising sea levels, and Northwest CASC researchers studied the impacts of wildfire severity and climate change on tree species that rely on fire to release their seeds. Additionally, the Federal Climate Data Portal will provide actionable climate tools and products that will help public and private decision-makers address climate risks.

CORE SCIENCE SYSTEMS, FACILITIES, AND SCIENCE SUPPORT

Activities from hazard monitoring to mineral forecasts are supported by Core Science Systems, Facilities, and Science Support. These programs and services, such as geologic mapping, data preservation, and satellite observation, provide critical information, data, and infrastructure that underpin the research of the USGS. Investment in advanced scientific computing will allow the agency cutting-edge analytics and models needed to study wildfires and droughts. Stagnant funding has created backlogs in the hiring of new scientists; the agency has fewer employees than in FY1995. Increased investment is needed to fill these critical roles and allow for the recruitment and training of a strong and diverse STEM workforce pipeline, paving the way for increased diversity, equity, inclusion, and accessibility within the field of Earth sciences.

GSA appreciates the committee's recent investments in USGS facilities, including the creation of the Energy and Mineral Research Facility, and encourages continued investment to address deferred maintenance issues. GSA also recommends long-term funding and support for the USGS library, which is used by both Federal scientists and external researchers. The Library houses more than 1.5 million volumes and more than three million maps, photographs and field records, with much of the information unique to the USGS.

The Landsat satellites have amassed the largest archive of remotely sensed land data in the world, a tremendously important resource for land use planning, and for assessment of water, energy, mineral and other natural resources, the impacts

of natural disasters, and global agriculture production. GSA encourages continued support for existing programs, as well as interagency efforts for LandsatNext with improved spatial resolution and the ability to provide updated imagery with greater frequency.

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.

[This statement was submitted by Kasey White, Director for Geoscience Policy.]

PREPARED STATEMENT OF GREAT LAKES RESTORATION INITIATIVE

I am Howard Learner, the Executive Director of the Environmental Law & Policy Center (ELPC), which is the Midwest's leading environmental legal advocacy and sustainability innovation organization. ELPC's staff works throughout the Great Lakes States, in Washington D.C. and with Canada to protect the Great Lakes. Since 2008, we have participated with policymakers and colleagues to build, effectively implement, and expand the successful Great Lakes Restoration Initiative (GLRI).

Thank you, Chair Merkley, Ranking Member Murkowski and all members of the subcommittee for the opportunity to submit testimony in support of full funding of \$425 million in FY 2024 for the Great Lakes Restoration Initiative as provided in the Great Lakes Restoration Initiative Act of 2019 (signed into law on January 5, 2021). GLRI funds have been effectively deployed to protect safe clean drinking water supplies, clean up toxic sites, protect wetlands and shorelines, hold off invasive species from entering the Great Lakes, and safeguard aquatic resources. Restoring the Great Lakes creates substantial environmental, public health, and recreational benefits, as well as fostering economic growth. GLRI is a program that has worked very well and has demonstrated success consistently.

The Great Lakes are a global gem. They contain 21% of the planet's fresh water supply, and 42 million people rely on the Great Lakes for safe drinking water. They provide a rich aquatic habitat for many species. They 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 of people live, work and play.

ELPC strongly supported reauthorization of the GLRI and the ramp up of funding to \$475 million in 2026, matching the funding the program received in its initial year. We request that the Committee fully fund the GLRI program with at least the authorized \$425 million for FY 2024 and, hopefully, consider a higher amount.

I'll make two points in support of fully funding the GLRI:

First, the Great Lakes Restoration Initiative is vitally important, and it is successful. This is a model Federal program providing significant environmental and economic benefits, and it is working well.

Second, the challenges to the Great Lakes from increases in harmful algal blooms and climate change merit full funding of at least the authorized \$425 million for FY 2024, and the program could benefit from a higher funding amount in FY 2024.

1. The Great Lakes Restoration Initiative is vitally important and successful. This is a model Federal program providing important benefits, and it is working well with strong bipartisan federal, State and local support.

The Great Lakes Restoration Initiative has been a breakthrough program injecting critical funding and structure that had been missing in order to restore the Lakes. Over the past 14 years, the GLRI has achieved strong results with sustained funding. As the third GLRI Action Plan States: "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 algal blooms. Congress' recognition of the effectiveness of the Great Lakes Restoration Initiative is reflected in the strong bipartisan support for fully funding this program with increasing funding.

The GLRI 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 agricultural and other nutrient runoff that causes harmful algal blooms.

The Great Lakes Restoration Initiative creates an effective system of coordination among Federal agencies, State entities and local partners to achieve important outcomes to make a meaningful difference for the Great Lakes. Since its inception, the program has achieved strong results with sustained funding.

There are countless examples of GLRI projects that deliver multiple benefits to the Great Lakes: from watershed and natural area restoration projects, to addressing and ultimately delisting Areas of Concern. The Healing Our Waters Coalition provides examples of projects across the region. Projects include:

- Rouge River Area of Concern (MI): This heavily populated and industrialized area in southeast Michigan includes highly degraded natural habitat and high levels of contamination. Multiple GLRI-funded projects are addressing nine habitat areas including the Venoy Dorsey Park habitat project to restore wetlands and stabilize streambanks.
- Wequoick Creek Restoration (WI): This project in Lake Michigan's watershed is restoring Midwestern oak savanna/wet meadow and riparian forest adjacent to the Point au Sable Nature Reserve in lower Green Bay, Wisconsin. This project will control invasive species and restore a native riparian corridor.
- Grand Marais (MN): This project will update stormwater management for the City of Grand Marais with wetlands, trees and riparian habitat to store and filter stormwater to reduce flooding. This project will address increasing storm intensity and add native plants to the areas to better protect Lake Superior.

GLRI projects bring together a broad array of partners to achieve the program's goals and create jobs. The GLRI Action Plan III details work to address Areas of Concern, including those that are now delisted: Ashtabula River in Ohio, Lower Menominee River in Wisconsin, Presque Isle Bay in Pennsylvania, and Deer Lake and White Lake in Michigan. Significant work remains to be done, however, to fully address the 25 Areas of Concern across the Great Lakes basin. We greatly appreciate that the Infrastructure Investment and Jobs Act added \$1 billion for the GLRI to accelerate clean up and restoration of these toxic Areas of Concern.

GLRI has broad regional economic benefits. A University of Michigan study showed that every Federal dollar spent on GLRI projects between 2010 and 2016 will produce \$3.35 in additional economic activity in the Great Lakes region through 2036.

2. The challenges to the Great Lakes from fluctuating lake levels and increases in harmful algal blooms and climate change merit full funding of at least the authorized \$425 million for FY 2024, and we urge Congress to consider an even higher amount.

While recognizing the GLRI's success, the growing threats from climate change and recurring severe algal outbreaks are getting worse.

ELPC commissioned 18 leading Midwest and Canadian university and research center scientists to write the state-of-the-science report, *An Assessment of the Impacts of Climate Change on the Great Lakes*, which we released in 2019, along with recommended policy solutions. The scientists concluded that climate change is causing significant and far-reaching impacts on the Great Lakes region, including increasingly extreme water level fluctuations, which wreak havoc on communities, homes, beaches, businesses and the overall shoreline's built environment. Annual precipitation in the region has increased at a higher percentage than in the rest of the country, and more precipitation is coming in unusually large events, such as derechos and intense storms. Lake Michigan had record-high water levels in 2021—especially when whipped by strong winds and heavy waves, this caused extensive flooding that damaged the shoreline and infrastructure.

According to the National Oceanic and Atmospheric Administration (NOAA), 2022 was the 6th hottest year on record as climate change continues to impact the Great Lakes region.

ELPC issued a report in June 2022 focused on the threats to people, communities and businesses from high Lake Michigan water and wave levels: *Rising Waters: Climate Change Impacts and Toxic Risks to Lake Michigan's Shoreline Communities*. Using NOAA's Enhanced Digital Elevation Model data, this report visualizes the extent and severity of inundation at 12 hot spots along Lake Michigan's shoreline and

surrounding areas due to extreme weather events of the scale expected in the near future. This report points to opportunities for the GLRI and other programs to invest in projects that will enhance coastal protection and resilience, and flood control.

Climate change impacts on the Great Lakes also exacerbate the growing problem of agricultural runoff pollution—mostly fertilizers and manure—that is the principal cause of severe recurring toxic algal outbreaks in western Lake Erie and other shallow water bays in the Great Lakes. The Ohio EPA concluded that agricultural runoff pollution accounts for about 90% of the phosphorus flowing into western Lake Erie.

The current GLRI Action Plan provides a detailed look at strategies to reduce this harmful agricultural runoff pollution, noting that GLRI projects have kept more than one million pounds of phosphorous out of the Great Lakes. The nutrient pollution threats from CAFOs to the Great Lakes region, including those in the Maumee River flowing into Lake Erie, continue and are exacerbated by changing rainfall patterns. GLRI funds could be used to support wetlands restoration to more effectively capture phosphorous, and water testing and monitoring to identify effective approaches to reducing agricultural runoff pollution. A more robust GLRI will continue to be an important source of solutions to address this urgent problem.

In conclusion, the Environmental Law & Policy Center and I commend the Senate Appropriations Committee and this subcommittee's strong support for the Great Lakes Restoration Initiative with each year's budget. GLRI is a successful program and a model for federal, State and local cooperation. We urge the Committee to fully fund the program with at least the authorized \$425 million for FY 2024 and, also, to consider additional funding.

[This statement was submitted by Howard Learner, Executive Director, Environmental Law & Policy Center.]

PREPARED STATEMENT OF GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

1. Department of the Interior, Bureau of Indian Affairs, Operations of Indian Programs
 - a. Trust–Natural Resources Management, Rights Protection Implementation (RPI) No less than the \$49,542,000 proposed for FY 2024 and a proportionate share for Great Lakes Area Resource Management.
 - b. Trust–Natural Resources Management, Tribal Management/Development Program (TM/DP): At least the \$18,658,000 proposed for FY 2024 and the TM/DP requests of GLIFWC's member Tribes.
 - c. Trust–Natural Resources Management, Fish/Wildlife/Parks Program: At least \$24,935,000 the amount proposed for FY 2024.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (Public Law 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 \$368,154,000, including no less than \$20,900,000 for the Distinct Tribal Program (DTP).
- b. State and Tribal Assistance Grants, Categorical Grants, Tribal General Assistance Program: At least \$85,009,000, the amount proposed in FY 2024.

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.

These programs fulfill Federal treaty, trust, and contract obligations to GLIFWC's member Tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain and enhance these programs.

GLIFWC'S FY 2024 FUNDING REQUEST HIGHLIGHTS

1. Should Congress provide an increase to the RPI line item, GLIFWC's top funding priority would be to adjust the overall grades/steps of current and incoming employees. With the increase provided in FY 2023, GLIFWC was able to match

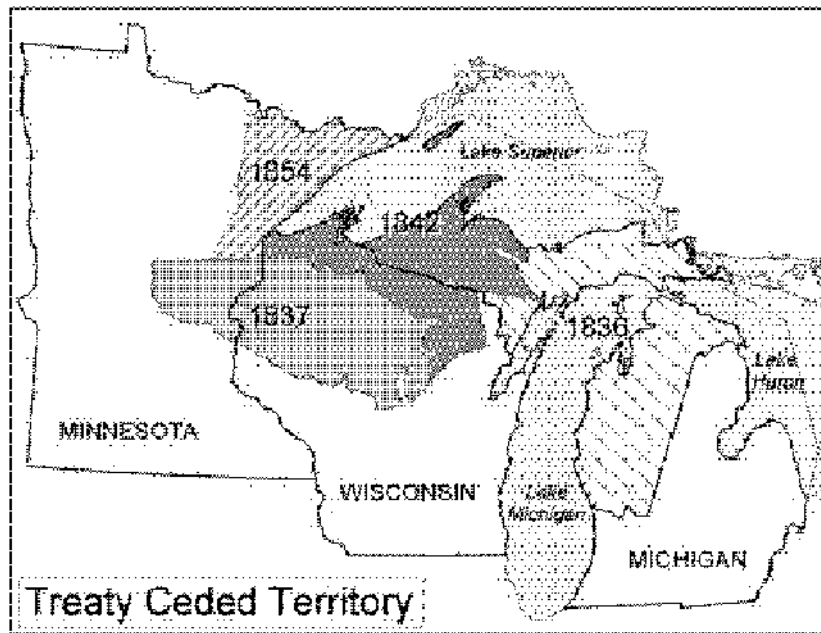
¹Specifically, the Treaty of 1836, 7 Stat. 491; Treaty of 1837, 7 Stat. 536; Treaty of 1842, 7 Stat. 591; and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

the FY 2023 GS scale, however GLIFWC is still unable to compensate its employees at rates similar to their State and Federal counterparts, and this is hindering its ability to attract candidates for open positions. GLIFWC was recently unable to fill 17% of its conservation officer force due to this pay discrepancy. Annual RPI increases are needed to keep pace with the Federal scale so that no such shortfall occurs again.

2. Great Lakes Restoration Initiative funding of no less than \$368,154,000, as proposed in FY 2024, with an increase to the Distinct Tribal Program (DTP) to at least \$20,900,000, the amount EPA has committed to provide in FY 2023.
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) 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; 3) protect public safety; and 4) 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 11 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-generational learning and the transmission of traditional cultural and management practices.

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. GLIFWC's FY 2024 funding request includes two main elements:

1. BIA Rights Protection Implementation/Great Lakes Area Management (Within the RPI Line Item):

No less than \$49,542,000, the amount proposed in the Administration's FY 2024 budget. The five treaty commissions have estimated the cost of full implementation of the court orders governing their treaty-reserved rights at, collectively, no less than \$66,000,000. The overall FY 2023 increase of \$3,513,000 is greatly appreciated. GLIFWC continues to support allocating increases to the RPI line item among the treaty commissions in the historically proportionate amounts, regardless of additional directed funding. As we stated in our testimony before this subcommittee last year, GLIFWC's top priority with any increase to RPI funding was to compensate its employees at a rate commensurate with colleagues in other agencies. With the FY 2023 increase, GLIFWC was able to adjust its pay to the FY 2023 pay scale. However, the funding discrepancy is still significant. GLIFWC estimates that it would need an increase of approximately \$963,000 to fully adjust its compensation structure.

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 most effectively implement Federal court orders and to protect and restore the natural resources on which the treaty rights are based. GLIFWC continues to support allocating any increase to the RPI line item among the treaty commissions in the historically proportionate amounts.

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.

2. EPA Great Lakes Restoration Initiative: \$368,154,000. Distinct Tribal Program (DTP): \$20,900,000.

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 continuation of GLRI funding at no less than \$368,154,000 proposed in FY 2024.

GLIFWC continues to appreciate the directive that EPA should follow the guidance in House Report 117-83, which directs the EPA and other Federal agencies to fund Tribal activities at not less than \$15 million. The DTP has proven to be a successful program, and an increasing number of Tribes are participating. This is in part because the EPA and the BIA have proven to be engaged and cooperative partners with Tribes throughout the implementation of the DTP. However, the DTP

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.

should include some insurance of predictability when overall GLRI funding changes. We ask that Congress provide direction to the EPA to direct no less than 5% of total GLRI funding to the DTP, never to fall below the \$15 million base.

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: At its most basic level, GLIFWC's programs support Tribal compliance with court decrees and intergovernmental agreements that govern the Tribes' treaty-reserved rights. Funding for science and research enhances GLIFWC's ability 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 forums 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.

[This statement was submitted by James G. Thannum, Acting Executive Administrator.]

PREPARED STATEMENT OF GREENLATINOS

As an organization engaging in Federal public lands issues since 2013, GreenLatinos in partnership with our 802 members throughout the United States and its territories, including ECODiversity and the Latino Heritage Sites Action Network, appreciate the opportunity to provide comments on the proposed FY 2024 Department of Interior (DOI) and National Park Service (NPS) budget.

The Department of Interior is a critical agency charged with the stewardship of some of the United States' most critical cultural and environmental resources including over 480 million acres of lands. We expect that all agencies within DOI, especially the Park Service and Bureau of Land Management which administer public lands significant to Hispanic and Latino cultures and histories, are accountable to the various executive orders and agency memorandums intending to establish increasingly equitable outcomes for underserved communities, including but not limited to:

- Executive Order 13171—Hispanic Employment in the Federal Government—Recognizes that Hispanics are underrepresented in the Federal workforce and directs deal agencies to maintain programs for the recruitment and career development of Hispanics in Federal employment.
- Executive Order 13985—Advancing Racial Equity and Support for Underserved Communities Through the Government: Directs Federal agencies to assess whether and to what extent their programs perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups
- Executive Order 14045—Advancing Educational Equity, Excellence, and Economic Opportunities for Hispanics: Directs agencies to design plans and measurable actions to advance educational equity and economic opportunity for Hispanic and Latino communities.

- Executive Order 13583—Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce: Directs executive departments and agencies to develop and implement a more comprehensive, integrated, and strategic focus on diversity and inclusion as a key component of their human resources strategies.
- Executive Order 11478—Equal Employment Opportunity in the Federal Government: Prohibits discrimination in employment because of race, color, religion, sex, national origin, handicap, or age; promotes the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency.
- Presidential Memorandum on Promoting Diversity and Inclusion in Our National Parks, National Forests, Marine Protected Areas, and other Public Lands and Waters—Expands on Executive Order 13985 to further direct agencies to pursue additional efforts to create and maintain a diverse and inclusive Federal workforce.
- Department of Interior Secretary Order 3406—Creates a Diversity, Equity, Inclusion, and Accessibility (DEIA) Council that will ensure that the Department prioritizes action on the advancement of DEIA and further its implementation of the DEIA executive orders.

We appreciate the overall commitment in the proposed FY 2024 budget towards improving the quality of equitable outcomes for the Department of Interior's workforce and managed lands such as highlighting the need for racial justice and the "inclusion of underserved communities". To further support these goals, GreenLatinos has identified three areas for improvement regarding the proposed FY 2024 budget:

- 1) Advancing equitable hiring practices and removing barriers to career pathways within DOI and its umbrella agencies to ensure fair and equitable representation of Hispanics and Latinos in employment through the Federal Government.
- 2) Ensuring adequate funding for the maintenance of existing Latino Heritage sites and public lands in close proximity to communities of color and;
- 3) Ensuring accurate and equitable representation of Hispanic and Latino histories at conservation and recreation sites under DOI jurisdiction.

ADVANCING EQUITABLE HIRING PRACTICES AND REMOVING BARRIERS TO CAREER PATHWAYS WITHIN DOI AND ITS UMBRELLA AGENCIES TO ENSURE FAIR AND EQUITABLE REPRESENTATION

We support DOI's increased funding to expand the total number of full-time equivalent staff (FTEs) up to 1,369 FTEs through 2023. A fully-staffed workforce is essential to successfully meet the Nation's environmental goals, yet at the end of 2020, Interior's staffing was at a 10-year low, with 60,558 FTE (OS-10). Although progress has been made on the aforementioned commitments to diversity DOI's workforce composition, much work is needed to ensure this projected expansion includes Latinos and other members of underserved communities. For example, a 2021 DOI assessment of workplace composition further revealed that:

- 26.2 percent of the total DOI workforce in FY 2021 was identified of race and ethnicity categories other than "White" or "Not Identified." In comparison, the Civilian Labor (CLF) benchmark from 2014 to 2018 was 32.5 percent
- 6 of 11 bureaus fall below the DOI average of 26.2 percent for workforce representation from race and ethnicity categories other than "White" or "Not Identified" in FY 2021
- 65.7 percent of the promotions in 2021 were issued to employees in the category "White"
- Of the 887,383 applications received for DOI job opportunities that were audited in FY 2021, 78.4 percent of the applicants were "White"
- 81.6 percent of selected applicants in FY 2021 were "White"

As such, we are supportive of the \$20+ million dedicated to advancing DEIA initiatives within DOI and its umbrella agencies. Congress must support the Biden Administration's proposed budget allocations to ensure timely advancement and adequate resourcing of these efforts. Moreover, successful implementation will also support eliminating barriers to access for underrepresented communities. Specifically, we support the following allocations in the proposed FY 2024 budget:

- increase of \$11.1 million as part of a Department Wide Diversity, Equity, Inclusion, and Accessibility (DEIA) initiative

- increase includes \$3.2 million to address resourcing and compliance gaps identified by the Equal Employment Opportunity Commission (EEOC) .
- increase of \$7.0 million for the Office of Diversity, Inclusion, and Civil Rights; Office of Human Capital; and Office of Collaborative Alternative Dispute Resolution.

ENSURE ADEQUATE FUNDING FOR THE MAINTENANCE OF EXISTING LATINO HERITAGE SITES AND PUBLIC LANDS IN CLOSE PROXIMITY TO COMMUNITIES OF COLOR

We are supportive of the increase of \$266.3 million for operational capacity and visitor services for the public. We hope this increased funding can support visitor services and the backlog of maintenance for Latino-serving sites under DOI's jurisdiction such as Cesar Chavez National Monument, etc. Towards this end, we also support the proposed \$3 million allocation to support start-up costs for sites recently added to the National Park System, in particular the \$250,000 for the Blackwell School National Historic Monument (NPS Overview-7). We also support the \$8.2 million for new and critical responsibilities at parks and offices (NPS Overview-8), in particular the \$215,000 for Cesar Chavez National Monument for interpretation and education capacity. (NPS Overview-9,12)

ENSURING ACCURATE AND EQUITABLE REPRESENTATION OF HISPANIC AND LATINO HISTORIES AT CONSERVATION AND RECREATION SITES

The FY24 National Park Service appropriations for National Recreation and Preservation programs, and the Historic Preservation Fund indicate specific program funding related to African American, Japanese American, Indigenous American, and Native Hawaiian histories and cultural resources including but not limited to historic sites, landscapes, ecosystems, parks and rivers. We celebrate and commend the Park Service's work to elevate the stories of underserved communities but we are struck by what past NPS budgets have meant for the minority groups that are not explicitly identified from the Historic Preservation Fund, National Recreation and Preservation, and other program appropriation. At worst, the exclusion of other racial and ethnic groups of color makes a Statement that those who are excluded do not matter. Hispanic and Latino Americans, Middle-Eastern Americans, and Alaska Natives have been excluded from meaningful investments in the Historic Preservation Fund and the National Recreation and Preservation appropriations year after year during the Biden Administration.

Despite the robust framework of policy direction, Latinos, communities of color, and other underrepresented identity groups such as the LGBTQ+, Asian American and Pacific Islander, and other communities are not currently equitably represented in lands managed by DOI and its umbrella agencies. For example, less than eight percent of designated landmarks specifically represent the stories of Native Americans, African Americans, American Latinos, Asian Americans, women and other underrepresented groups.

Specifically regarding Latino history, the National Park Foundation reports that only 24 of the more than 400 National Park units specifically preserve Latino/a/x history; most represent the history of Spanish colonization rather than recognizing contemporary history and the multitude of Latino cultures. Moreover, there are 190 Latino Heritage Sites out of the nearly 96,000 sites in the National Historic Register that are managed by the National Park Service and many are tied to Spanish colonial or military history such as the Cabrillo National Monument (CA), Old Spanish National Historic Trail (NV), San Antonio Missions National Historical Park (TX), and San Juan National Historic Site (PR). Additionally, while States like California, New Mexico, and Texas have many sites, other States with significant Latino populations have much less Latino Heritage Sites such as Illinois, New York, and New Mexico. Other States do not have any Latino Heritage Sites at all such as Connecticut, Delaware, Virginia, and Wisconsin.

Additionally, we were dismayed to see that land acquisition for the National Park Service was reduced by nearly \$30 million. While the Land and Water Conservation Fund and Great American Outdoors Act have provided much-needed additional funding for various park and site protections, Congress must ensure land acquisition funding is increased in order to reach the long-term goals set through the America The Beautiful Initiative. Increased land acquisition funding will also support DOI's goals of expanding the equitable representation of various historically marginalized communities in conservation and recreation site designations.

ESTABLISH FUNDING SPECIFICALLY FOR LATINO HERITAGE SITES

As is, the NPS budget does not meet its declared intention to fund “new and critical responsibilities at parks preserving the stories of underrepresented communities and for interpretive projects that tell these stories”. We recommend a one-time allocation of funds in the FY2024 budget to allow the Department of Interior, in close collaboration with agency staff and conservation, historical, and community experts to conduct a national systematic review of existing parks, recreation areas, and historic sites to identify areas to include Latino and Hispanic history where appropriate, including potential sites for new Federal protections.

Thank you for the opportunity to provide our recommendations. For any questions or clarifications please reach out to Pedro Hernández at pedrohernandez@greenlatinos.org.

[This statement was submitted by Pedro Hernández, Public Lands Advocate, GreenLatinos.]

PREPARED STATEMENT OF HISTORIC PRESERVATION FUND

FISCAL YEAR 2024 HISTORIC PRESERVATION FUND (HPF)

APPORTIONMENT TOTAL REQUEST:

\$70 million for State Historic Preservation Offices (SHPOs)
 \$40 million for the Save America’s Treasures grant program
 \$34 million for Tribal Historic Preservation Offices (THPOs)
 \$28 million for the African American Civil Rights grant program
 \$17 million for the Paul Bruhn Historic Revitalization grant program
 \$13 million Historically Black Colleges and Universities (HBCUs) grant program
 \$11 million for the Semiquincentennial grant program
 \$7 million for the History of Equal Rights grant program
 \$5 million for the Underrepresented Community grant program

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

UNIQUE AND SUCCESSFUL FEDERAL-STATE PARTNERSHIP

Understanding the importance of our National heritage, in 1966 Congress passed the National Historic Preservation Act (NHPA, Title 54 U.S.C. 300101 et seq), which established historic preservation as a national priority, particularly in the face of widespread loss of historic buildings and places that represent the American identity in communities throughout the country. Recognizing that State officials have local expertise and knowledge with the ability to work most directly with and for constituents, the act’s authors directed Federal entities charged with its implementation—the Department of the Interior and the Advisory Council on Historic Preservation—to partner with the States to fulfill this vital national priority through a remarkably successful exercise in federalism.

Federal NHPA duties delegated to the SHPOs include: 1) locating and recording historic resources; 2) nominating significant historic resources to the National Register of Historic Places; 3) cultivating historic preservation programs at the local government level; 4) providing funds for preservation activities; 5) commenting on Federal rehabilitation tax credit projects; 6) review of all Federal projects for their impact on historic properties; and 7) providing technical assistance to Federal agencies, State and local governments and the private sector.

Ten years later in 1976, Congress established the Historic Preservation Fund (HPF) to assist the States in accomplishing this federally delegated work. Congress at that time opted to fund the HPF from outer-continental shelf lease revenues (rather than tax dollars), based on an initial premise that the depletion of one non-renewable resource could be used to help preserve another non-renewable resource—our heritage. The States also contribute to the current funding mechanism, matching at least 40 percent of the Federal HPF funding they receive.

SAVING AMERICA’S HERITAGE

The foundational step in preserving and protecting America’s heritage is to identify it—through the survey, documentation, stewardship and sharing of historic place data. Adequate funding is essential for SHPOs to do this work in a way that

takes advantage of and reflects advances in technology. Recent shortfalls in funding mean that many States must continue to rely upon outdated paper records and inefficient manual processes. Having accurate, up-to-date, and digitally accessible information about our Nation's historic resources dramatically increases the efficiency of project consultation as well as builds a permanent record of our Nation's physical heritage. From decisions on the design of local infill development, to state transportation planning projects, to Federal large-scale energy projects and disaster recovery efforts—every single project that could impact historic places, and by extension, the American people, benefit from enhanced and accessible historic resource maps and databases.

Once identified and documented, America's historic resources are primarily recognized at the local, State, and national levels by listing on both the National Register as well as State and local historic registers with varying degrees of protection, consideration, and recognition. SHPOs, through the authority of the NHPA assist, support, and encourage communities with their preservation efforts and are the gateway to listing on the National Register of Historic Places. National Register recognition by the Secretary of the Interior confirms citizens' belief in the significance of their communities' historic places as well as provides incentives for the further preservation of these irreplaceable places, often through public-private partnerships.

Allow me to underscore that the National Historic Preservation program is primarily one of assistance, not acquisition. The Federal Government does not own, manage, or maintain responsibility for the vast majority of the historic assets aided by the National Historic Preservation program. Rather, the program, through the States and SHPOs, provides individual Americans and communities, together with local, State, and Federal Governments with the tools they need to identify, preserve, and utilize the historic assets of importance to them. SHPOs are constituent-oriented and constituent-focused, and working closely and cooperatively with individual Americans to preserve historic places across the Nation is a fundamental role.

Directing \$70 million for FY 2024 to SHPO offices will provide much needed operational funding to aid in increased capacity and efficiency to maximize constituent assistance and responsiveness. Specifically, with the recent \$500 billion in new Federal infrastructure spending, SHPOs are in dire need of resources to operate programs as they continue to fulfill responsibilities to review and comment on increasing numbers of Federal undertakings under NHPA. Likewise, Tribal Historic Preservation Offices (THPOs) assume many of the responsibilities of the SHPO on their respective Tribal lands. The number of THPOs continues to increase annually, requiring funding to keep pace with expanding needs. With over 200 THPOs in place, funding of \$34 million for THPO offices is necessary to prevent a decrease in the average THPO grant.

HPF funds also support competitive grant programs aimed at protecting and promoting the Nation's historic and cultural resources, while furthering efforts to tell the full scope of America's history through recognition and preservation of our irreplaceable historic places. As such, NCSHPO encourages HPF funding of \$40 million for the Save America's Treasures grant program; \$28 million for the African American Civil Rights grant program; \$17 million for the Paul Bruhn Historic Revitalization grant program to support historic preservation in rural communities; \$13 million to assist in the preservation and rehabilitation of buildings on the campuses of Historically Black Colleges and Universities (HBCUs); \$11 million to support the Semiquincentennial grant program to commemorate the Nation's 250th anniversary; \$7 million for the History of Equal Rights grant program; and \$5 million for competitive grants to identify, recognize and preserve the sites and stories related to Underrepresented Communities.

The FY23 omnibus spending level for the HPF in the amount of \$204.5 million underscores Congresses commitment to the need of having appropriate funds to protect and promote our historic and cultural assets. This historic allocation exceeded the previously authorized level for the HPF of \$150 million, a sum that has gone unchanged since the program's inception five decades ago.

JOBS, ECONOMIC DEVELOPMENT & COMMUNITY REVITALIZATION

Historic preservation has stimulated economic growth, promoted community education and pride, and rescued and rehabilitated significant historic resources throughout the country. By positively combatting the effects of blight and vacancy through respectful repurposing of existing historic building stock, historic preservation is frequently a catalyst for positive community change—resulting in dynamic destinations for visitors and residents alike. Further, preservation incentives and programs foster affordable housing and solutions to the challenge of climate change.

The Federal Rehabilitation Tax Credit (HTC) program, administered by the State Historic Preservation Offices in cooperation with the National Park Service, is an important driver for economic development. Throughout the program's history, the HTC has driven completion of nearly 48,000 individual projects since 1976, and leveraged over \$122.90 billion in private investment nationwide, and created 192,314 low and moderate income housing units¹. On average, the HTC leverages \$5 dollars in private investment for every \$1 dollar in Federal funding, cultivating highly effective public-private partnerships and community focused re-investment. 39 States currently offer a historic tax credit program², including my own state of North Carolina. State tax credit programs complement the Federal HTC program incentives and provide additional opportunities for community revitalization and saving historic places for the use and enjoyment of future generations of Americans.

As an example of return on the Federal HPF investment in my own state of North Carolina, the modest Federal funding provided to our office of less than \$1.5 million in the last fiscal year helped our professional staff to facilitate in that 1 year approximately \$200 million of historic tax credit-fueled private investment in historic buildings, which employs local workers at the construction and post-rehab stage, brought about local construction material spending, generated new sources of local, State, and Federal tax revenue, and enhanced community pride through the renewal of historic building stock for a new generation of productive use.

Historic preservation also stimulates economic development through heritage tourism. SHPOs are essential local partners in identifying and interpreting the historic places that attract and inspire visitors. A modest increase in SHPO funding would allow SHPOs to expand their public outreach and assistance efforts, enabling communities to take greater advantage of heritage tourism opportunities which likewise lead to job creation, new business development and strong community identity.

STATE HISTORIC PRESERVATION OFFICES' ACCOMPLISHMENTS

The HPF has facilitated nearly 100,000 listings to the National Register, with over 1.9 million contributing resources, and the survey of millions of acres for cultural resources. The HPF has also provided SHPOs with the administrative capacity for constituent access to the Federal Historic Preservation Tax Credit program, which has generated more than \$39.4 billion in Federal tax revenue from historic rehabilitation projects from inception through FY 2020. In FY 2021, HPF funding also enabled SHPOs to review 124,300 Federal undertakings, and in so doing, aid in a conscientious public consideration of how to balance two fundamental needs—public investments for the future and preservation of America's historic places.

Many SHPOs have also made extensive use of HPF grant programs that are intended to make sure that a wide variety of historic places are preserved. In North Carolina, over the last several years, we have applied for and received grants under several of these grant programs. A 2015 Underrepresented Communities grant yielded National Register nominations and listings for eight Rosenwald School nominations, two historic African American cemeteries, and the College Heights Historic District, which is associated with the HBCU North Carolina Central University; a 2022 award through this program will survey and nominate to the National Register extant Green Book properties, as examples of Black entrepreneurship during the difficult segregation era. A 2020 Civil Rights grant is currently underway with a study to gather and document oral histories, background research, and places associated with the Civil Right Movement in northeastern North Carolina. The North Carolina Division of State Historic Sites has also recently received a Civil Rights grant to rehabilitate the home of Civil Rights leader Golden Frinks in Edenton and update the existing National Register listing for the home to capture its Civil Rights significance. A current American Battlefield Protection Program planning grant is providing needed funding to study the combat role of US Colored Troops in North Carolina with an eye to strategizing battlefield preservation priorities in the future.

CONCLUSION

Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, whether it is fifty, one hundred or five hundred years from now. The national network of State Historic Preservation Offices, employing public history professionals in service to American citizens, helps to ensure that the places associ-

¹2023. National Park Service, U.S. Department of the Interior, Technical Preservation Services. Federal Tax Incentives for Rehabilitating Historic Buildings—Annual Report for Fiscal Year 2022.

²2022. National Trust for Historic Preservation. Preservation & State Historic Tax Credits.

ated with the history of all Americans are recognized and preserved. To that end, I would like to thank the committee sincerely for its commitment to historic preservation. The Federal Government plays an invaluable role in preserving our Nation's history and our collective sense of place. Through our federalism partnership, SHPOs remain committed to working together to identify, protect, and maintain our Nation's heritage and in doing so, provide Americans with a strong sense of orientation towards our common history.

On behalf of all 59 SHPOs, I'd like to thank you, Chairman Merkley, Ranking Member Murkowski, and members of the U.S. Senate Committee on Appropriations, subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit testimony.

[This statement was submitted by Ramona Bartos, President, National Conference of State Historic Preservation Officers.]

PREPARED STATEMENT OF THE HOPI TRIBE

Greetings Chairman Merkley, Ranking Member Murkowski and Members of the subcommittee on Interior, Environment, & Related Agencies. My name is Timothy Nuvangyaoma and I have the honor of serving as Chairman of the Hopi Tribe ("Tribe"). The Hopi Reservation, located in the northeast corner of Arizona, includes more than 1.5 million acres. The Tribe has over 14,000 enrolled Tribal members, over half of whom reside in the Reservation's 12 villages. 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.

I would like to begin my testimony by thanking the subcommittee for fully funding the new Hopi Detention Center ("HDC"). As you may recall, in December 2016, the Hopi Tribe declared a State of emergency following the abrupt condemnation and closure of the previous detention center by the Bureau of Indian Affairs ("BIA"). The subcommittee was integral in appropriating funding for the HDC, as well as conducting oversight as there were constant delays with the project. The Tribe is now pleased to report that construction on the Hopi Detention Center is nearly 50 percent complete.

With construction of the HDC well underway, the Tribe is now focused on securing funding for the proposed Hopi Justice Complex ("A New House"). Since the HDC design does not provide for an integrated comprehensive justice complex and services, the Tribe needs funding for facilities that would house the Trial, Appellate, Wellness, and Traffic Courts; Probation; Security; and Administration.

The need for the A New House project is outlined in the *2020 Hopi Judicial Commission Annual Report and Findings*, as well as the *2022 Tribal Court Assessment*, which was conducted by the BIA's Tribal Justice Support Division. Collectively, these reports found that critical capital improvements are needed to renovate or construct a comprehensive service Judicial Complex, and that an inspection needs to be undertaken by a trained environmental hazard expert to determine if the current facility must be abandoned.

President Biden's Budget for Fiscal Year 2024 calls on Congress to provide \$75.3 million for Public Safety & Justice ("PS&J") Construction, an increase of \$23.7 million over the FY 2023 enacted level. Managed by the BIA Division of Management and Construction ("DFMC"), PS&J Construction supports law enforcement, detention, and court facility replacement, improvements, and repairs, employee housing construction, fire safety improvements and repairs, and other various programs that support the mission of the BIA Office of Justice Services ("OJS").

Within the proposed \$75.3 million for PS&J Construction is \$48.5 million for Facilities Replacement/New Construction, an increase of \$15 million over the FY 2023 enacted level; and \$15.8 million for Facilities Improvement & Repair, an increase of \$6 million over the FY 2023 enacted level. The Hopi Tribe strongly supports these proposed increases in funding and urges the subcommittee to substantially increase funding for PS&J Construction.

The Hopi Tribe thanks the subcommittee for the opportunity to provide testimony on the Fiscal Year 2024 budget.

[This statement was submitted by Timothy Nuvangyaoma, Chairman of the Hopi Tribe.]

PREPARED STATEMENT OF HOOPA VALLEY TRIBAL COUNCIL

On behalf of the Hoopa Valley Tribal Council and our citizens, it is an honor to provide our funding priorities and recommendations for the FY2024 Budgets for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Related agencies. First, we strongly urge this Committee to protect the Federal trust and treaty obligations as you consider Tribal program funding for FY 2024. While the United States has yet to fully live up to the promises it has made to Tribal nations, the Hoopa Valley Tribe ("Tribe") continues to pursue our goals in building a strong and prosperous economy and providing necessary public services to our citizens. Second, the Tribe is one of the initial Tribes to enter into a Compact of Self-Governance with the United States in both the Departments of the Interior and Health and Human Services. We have had great success in implementing Tribal Self-Governance, but we are still woefully underfunded in many of our critical programs, services, functions and activities. The following summarizes our priority funding requests and justifications.

I. Hoopa Valley Tribe Specific Requests

1. \$800,000 Increase—Law Enforcement—Special Agents in Charge—BIA
2. \$740,000—Hoopa Office of Emergency Services (OES)—BIA
3. \$750,000—Social Services/Indian Child Welfare Act—BIA
4. \$160,000—Forestry—BIA
5. \$1.25 million Base Funding Increase—Wildland Fire—BIA
6. \$750,000 Increase—Fisheries—BOR and Related Agencies
7. \$750,000—Irrigation—BIA
8. \$900,000 Annual Allocation—Hoopa Valley Public Utility District (Operation/Maintenance)—IHS
9. \$3.6 million Increase—Clinic Staffing, Recruitment & Retention (Human Resources)—IHS
10. \$760,000—Emergency Medical Services (Ambulance)—IHS

Support National and Regional FY 2024 Budget Requests and Recommendations for the BIA and IHS—by the National Congress of American Indians, National Indian Health Board, National Indian Education Association, and Affiliated Tribes of Northwest Indians.

II. Background on the Hoopa Valley Tribe

The Tribe is located in northeast Humboldt County, California along the Trinity River, approximately fifty-nine miles east of Eureka and 272 miles north of Sacramento. The Hoopa Valley Indian Reservation (Reservation) is approximately 89,400 acres of forest and mountain land ranging in elevation from 320 to 5,000 feet.

III. Hoopa Valley Tribe Specific Requests/Justifications

1. \$800,000 Increase—Law Enforcement—Police Officers and Special Agents in Charge (SACs)—BIA

The Hoopa Valley Tribal Police Department (HVTPD) was officially formed in 1984. In November 2016, the Department of Justice consented to the Tribe's request for reassumption of concurrent Federal criminal jurisdiction over the Indian Country of the Tribe. To allow all Tribal, Federal and State partners involved sufficient time to establish appropriate guidelines and procedures to effectuate concurrent Federal jurisdiction in the Tribe's jurisdiction, the Tribe subsequently entered into a Memorandum of Understanding with the U.S. Attorney for the Northern District of California, the District Attorney for the County of Humboldt and the Sheriff of the County of Humboldt.

Since that time, the HVTPD has provided enforcement at all three levels of authority, with inadequate and minimal funding provided from BIA. As a result, HVTPD has been unable to meet the BIA's assessment of the Department, which identified a need for 15 officers to function properly. Presently, HVTPD has seven full-time officers. The costs of hiring, training and outfitting an officer is on average \$100,000/officer. To meet this shortfall and hire the necessary officer, the Tribe is requesting an increase in BIA Law Enforcement funding. Further the need for additional BIA Special Agents in Charge (SAC) is for more than on-the-ground response. We need BIA support for processing Special Law Enforcement Commissions (SLEC) applications, assisting with officer training and other administrative matters. California is a big State and deserves at least 3 SACs.

2. \$740,000—Hoopa Office of Emergency Services (OES)—BIA

OES is a Tribal emergency management program established in 2011 to develop and implement emergency management plans and programs for the Tribe. OES is responsible for coordinating emergency management activities, including planning, training, and response operations, and for working closely with Tribal, State, and Federal partners to ensure effective emergency response and recovery. OES provides a service to all community members, both Tribal members and non-Tribal members. The program is a critical service that plays a vital role in the safety and well-being of the entire Hoopa Valley community. Unlike State and local county emergency management programs, Tribal emergency management programs do not have annual funding or compact agreements. Emergency management and response is particularly challenging due to the remote and rugged terrain. Therefore, the requested funding will assist with operations, will enable OES to have more control over the emergency management resources available to the Tribe, and to better meet the needs of the Tribal community in emergency situations.

3. \$750,000—Social Services/Indian Child Welfare Act—BIA

The Tribe receives inadequate funding to properly administer services to our abused and neglected elders, dependent adults and children. These disparities include inadequate funding for Indian Child Welfare Act (ICWA) cases. The Tribe has the second largest ICWA caseload in the State of California. There is no funding for ICWA attorneys and only enough funds for one ICWA social worker (whereas our caseload dictates the need for 3 to 5 case managers). Further, there is no funding support for our at-risk youth. The requested funding will be used to address these shortfalls including prevention activities to address drug, alcohol, violence and abuse.

4. \$160,000—Forestry—BIA

The Forestry Department (Forestry) receives compact funding which has averaged \$849,013 over the last 6 years. In 2017, the payment was \$812,325; however, these funds were underpaid, and the funding has not increased for well over a decade. In 2008, the end of the Timber Harvest Initiative funds had a detrimental impact on Forestry's ability to cover wages for personnel and Arch and Geological surveys producing required NEPA documentation. As a result, the continued lack of funding and uncertainty of funding is negatively impacting our workforce retention and operations. Separately, we have experienced delays in processing of timber sale contracts and timber sales payments from the BIA. This is very troubling and has placed additional burden on existing staff. It is crucial for the Department's to receive reimbursements from the BIA in a timely manner.

5. \$1.25M Base Funding Increase—Wildland Fire—BIA

The Hoopa Valley Tribe Self-Governance base amount for Wildland Fire preparedness has not increased for 24 years. The Hoopa Valley Tribe is one of two Tribes within the Pacific Region that took advantage of the 1999 opportunity to dedicate their staff and resources to complete the only approved Fire Management Planning Analysis (FMP). This enabled the Tribes to receive updated funding for their operation of BIA wildland fire programs. Now in 2023, Hoopa is still one of two Tribes to meet the 90 International Association of Machinists and Aerospace Workers (IAM) Chapter 3 Wildland Fire Management Preparedness policy combined with a legitimate approved method of funding needs analysis. In the face of a very real and probable risk of catastrophic wildland fire, there is a life and death need for the Tribe to have a base funding increase of \$1.25 million for wildland fire preparedness. Timely reimbursements are critically needed. The delay is resulting in detrimental and negative impacts.

6. \$750,000 Increase—Fisheries—BOR and Related Agencies

The Fisheries Department (Fisheries) is charged with the health and safety of the Trinity River, the fish, and water quality. Fisheries emphasizes the United States trust responsibility in defending and protecting the Trinity River which holds cultural, historical, and sacred significance to our people. Fisheries requires funding to assist with the hiring and retention of specialized personnel; equipment; operational, maintenance, and legal expenses; and the renovation of a conservation hatchery project.

7. \$750,000—Irrigation—BIA

The Hoopa Valley Public Utilities District (HVPUD) is a duly chartered entity of the Hoopa Valley Tribe. Per the Charter and By-Laws of HVPUD, the District is responsible for maintaining and managing the irrigation system within the Reservation. Per the Self-Governance Compact and Funding Agreement with the BIA, the

HVPUD receives \$47,416 on an annual basis to operate and manage Hoopa's entire irrigation infrastructure. This amount has remained the same since the early 1990's. The cost to operate and maintain the irrigation system greatly outweighs the funding that is received. These expenses include staffing, fuel, parts, pumping costs, repair and replacement from normal wear and tear, repair due to vandalism and damage, heavy equipment costs, etc. HVPUD has spent more than its annual funding allocation trying to remedy the irrigation pumping issue. HVPUD requires an increased annual allocation for the irrigation funding provided in the BIA Self-Governance Funding Agreement.

8. \$900,000 Annual Allocation—Hoopa Valley Public Utility District (Operation/Maintenance)—IHS

The HVPUD provides critical health and safety related services to the residents of the Reservation, including safe drinking water, irrigation services, fire flow, sanitation facilities (water and septic installation) and solid waste management. In addition, HVPUD facilitates the broadband and energy related projects on behalf of the Tribe. For 42 years, HVPUD has provided essential utility services to this Tribal community with zero allocated funding to support the operation and maintenance of the largest Tribal water utility in the State of California.

The Hoopa Valley wide system (Public Water System #: 0605126) consists of 2 water treatment facilities, 20 water storage tanks, 14 pumping facilities, 13 distribution systems and miles and miles of waterlines of various age, make, and size. HVPUD lacks the means to adequately cover the operations and maintenance of our public water system, which are the functions, duties and labor associated with the daily operations and normal repairs, replacement of parts and structural components, and other activities needed by a water system to preserve its capital assets to continue to provide safe drinking water.

The IHS has a trust responsibility to provide service to Indians including healthcare. Safe drinking is a critical component of having a healthy community for hydration, cooking and sanitation uses.

9. \$3.6M Increase- Clinic Staffing, Recruitment & Retention (Human Resource)—IHS

Kima:w Medical Center (KMC) is a rural ambulatory clinic and entity of the Tribe. The expenses for locums to fill critical positions has grown exorbitantly. At the height of the COVID- 19 pandemic, KMC had over 30 vacancies. In FY2022 alone, KMC had to utilize 8 different locum agencies and 27 different locum providers. Staff cover multiple duties and roles to carry out health services. Clinical staff, both nurses and providers, are currently majority locums/travelers. This has led to high salary costs, but also barriers for continuity of care and an increased burden on staff who are recruiting, training, and orienting new staff members every few months. While third-party revenue and grants help cover some operating costs, the resources put into recruitment and retention are increasing exponentially, and sadly, we aren't even achieving the goal of full permanent staffing. KMC remains at a disadvantage when competing with appropriately funded urban organizations.

10. \$760,000—Emergency Medical Services (Ambulance)—IHS

Given the transportation challenges of our rural residents, coupled with not having emergency care at our local health facility, ambulance services are critical for mitigating harm and saving lives. Our ambulance service has been a cornerstone for care within our community for two decades. Private ambulance services do not cover rural areas because it is not lucrative (less calls and greater distance to travel), as is our case. In 2022, KMC Ambulance responded to 1,257 calls. We rely on unstable funding to subsidize our ambulance department, such as Measure Z/O. Although clearly demonstrating how vital ambulance services are for our community, KMC does not receive the needed HIS funding to support these operational costs.

I appreciate the opportunity to provide our FY2024 BIA, IHS, and related agency budget priorities of the Hoopa Valley Tribe and respectfully urge your support of these requests.

[This statement was submitted by Joe Davis, Chairman, Hoopa Valley Tribe.]

PREPARED STATEMENT OF HUMANE SOCIETY LEGISLATIVE FUND AND THE HUMANE SOCIETY OF THE UNITED STATES

Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee, thank you for this opportunity to offer testimony on matters of importance to our organizations and to our millions of supporters. We thank you for the support and

investment in animal protection in the subcommittee's Fiscal Year 2023 appropriations bill. We appreciate your continued consideration in Fiscal Year 2024 and urge you to address the following requests in the FY24 Department of Interior, Environment, and Related Agencies budget:

- FWS Big Cat Public Safety Act: report language
- FWS Office of Law Enforcement: increase of \$7.2 million and 29 FTEs per President's Budget request
- FWS trophy hunting reporting: report language
- FWS Endangered Species Act: exclude policy riders that delist species, including grizzly bears and gray wolves
- FWS Ecological Services Program: \$841 million
- BLM Wild Horse and Burro Program: \$175 million; implementation of nonlethal management strategy addressing the considerations detailed below; expeditious action to fill staff vacancies
- BLM & USFS prohibition on destruction of healthy wild horses and burros: bill language per President's Budget request
- EPA sunseting mammalian testing: report language

FISH AND WILDLIFE SERVICE—BIG CAT PUBLIC SAFETY ACT IMPLEMENTATION & OFFICE OF LAW ENFORCEMENT

The Big Cat Public Safety Act (Public Law 117–243) was signed into law on December 20, 2023. This law revises restrictions on the possession and exhibition of big cats, including restrictions on direct contact between the public and big cats. Numerous large cat species are now subject to seizure and forfeiture when possessed or exhibited illegally, the disposition of which will require collaboration with U.S. Department of Agriculture, U.S. Department of Justice, and private sector entities to ensure proper placement and care.

We urge the inclusion of the following report language:

Big Cat Public Act Implementation.-The Committee is aware of the U.S. Fish and Wildlife Service's additional responsibilities pursuant to the enactment of Public Law 117–243. The Committee encourages the Service to collaborate with United States Department of Agriculture and the Department of Justice and directs the submission of a report within 90 days of enactment of this act describing staffing and resource needs, implementation including reporting violations, and enforcement status related to Public Law 117–243.

We also support and urge inclusion of the President's Budget request for an additional \$7.2 million and 29 FTEs for Wildlife Law Enforcement Capacity to investigate possible violations of, and as appropriate enforce, the Big Cat Public Safety Act and other wildlife laws. This function is within the Office of Law Enforcement's Law Enforcement Operations program, which was funded at \$91.2 million in FY23.

FISH AND WILDLIFE SERVICE—TROPHY HUNTING REPORTING

African elephant and lion numbers have dropped steeply in the last decade from poaching, habitat loss, and other threats. Poorly managed trophy hunting exacerbates this decline. The Endangered Species Act requires that imports of these and other listed species enhance their survival. Congress previously directed FWS to reevaluate its trophy-import policy to this end, but the agency has not yet done so. It is time for FWS to show that importing African elephant and lion trophies helps, not harms, the species.

We therefore urge the inclusion of the following report language:

Trophy Hunting Reporting.-The Committee reminds the Service of its direction in the joint explanatory statement accompanying the Fiscal Year 2023 omnibus for the Service to continue to provide updates on actions regarding protecting lions, elephants, and other iconic species that are hunted for trophies. The Service is directed to provide quarterly reports to the Committee on these actions.

FISH AND WILDLIFE SERVICE—ENDANGERED SPECIES ACT IMPLEMENTATION & ECOLOGICAL SERVICES PROGRAM

Maintaining Endangered Species Act (ESA) protections for large native carnivores such as grizzly bears and gray wolves is vital to the long-term, sustainable recovery of these species, to our Nation's interest in preventing the loss of vulnerable species, and to maintaining healthy ecosystems. Large native carnivores are particularly likely to be imperiled. In addition to their direct killing by poachers, trophy hunters,

and trappers, they face many other threats, including loss of habitat and prey species. This is exacerbated by the fact that they have long reproductive cycles and produce relatively few offspring.

When Congress passed this landmark law 50 years ago, it did so with the intention that decisions under the statute be made on scientific grounds. Delisting individual species through legislation undermines a system that has successfully prevented 99% of listed species from going extinct. It also sets a dangerous precedent that politics may trump science, even in the face of extinction. We therefore urge the subcommittee to exclude policy riders that delist species, including grizzly bears and gray wolves, from the ESA in the FY24 Interior, Environment and Related Agencies bill.

As we prepare to celebrate the ESA's 50th anniversary, we urge Congress to make a bold investment to our Nation's most vulnerable species by appropriating \$841 million to the Ecological Services Program to fully implement the Endangered Species Act. Currently, the Service only receives around 50% of the funding required to fully implement the act. As a result, too many species sit in limbo, or receive funding only after declining even closer to extinction, when the costs of action are higher or the options for conservation more limited. The requested funding level will ensure every listed species receives a minimum of \$50,000 per year for recovery, allowing the Endangered Species Act to be implemented the way Congress originally intended.

BUREAU OF LAND MANAGEMENT—WILD HORSE AND BURRO PROGRAM

To maintain the wild horse population in a humane and fiscally conservative manner, we, along with our partner stakeholders in the Path Forward for Wild Horse and Burro Management, request continued support for BLM's implementation of a humane, nonlethal, and effective program. We support a funding level of \$175 million for the Wild Horse and Burro Program, an increase of \$27.1 million from the FY23 enacted level. We support directives to implement a nonlethal management strategy with specific attention on: increasing the use of fertility control, including measurable objectives in reducing population growth with fertility controls; targeting removals from the most heavily ecologically impacted and populated areas; expanding long-term, off-range humane holding; developing contingency plans for emergency situations to ensure the continuation of proactive management under a variety of conditions including extreme drought; and continuing adoptions while fully implementing and enforcing existing safeguards, including pre-approval of adoption applicants and postadoption compliance checks for adopted wild horses and burros. Additionally, we request that the agency act expeditiously to fill the high number of staff vacancies within the program.

BUREAU OF LAND MANAGEMENT & U.S. FOREST SERVICE—PROHIBITION ON DESTRUCTION OF HEALTHY WILD HORSES AND BURROS

We strongly support and urge the subcommittee to include as bill language text from the President's FY24 request that bars BLM and USFS from sending any wild horse or burro to slaughter or selling/transferring any horse or burro in a manner that results in its destruction, and bars any federal, state, or local government that receives any wild horse or burro transferred from BLM or USFS from doing likewise.

ENVIRONMENTAL PROTECTION AGENCY—SUNSETTING MAMMALIAN TESTING

The EPA has a history of embracing new approach methodologies (NAMs) that do not use animals to assess the safety of pesticides and industrial chemicals. In 2019, EPA confirmed its commitment to NAMs by setting a goal to end reliance on mammalian testing for its regulated products by 2035 and achieve a 30% reduction by 2025 (including tests commissioned in-house and that businesses must conduct). The Frank R. Lautenberg Chemical Safety for the 21st Century Act (Public Law 114–182) included statutory language to reduce and ultimately end use of animals in toxicity testing for risk assessments of chemicals under the Toxic Substances Control Act.

Non-animal approaches include cell cultures, computer modeling, organ-on-a-chip technologies, and other methods that are often faster, cheaper and more predictive of human health or environmental risks than animal tests. Different animal species and even differing sexes or sub-species can respond differently when exposed to the same chemicals. As a result, results from animal tests may not be relevant to humans or other non-target species, or may under- or over-estimate health hazards. NAMs, by contrast, are much more likely to provide relevant safety information to protect human health and the environment. Finally, because animal testing is time-

consuming and expensive, it limits the number of chemicals and products that can be tested. Thousands of new chemicals are created every year with tens of thousands more already in use. Using animal tests to evaluate the human and environmental safety of all these chemicals would take decades to complete and cost millions of animal lives.

We therefore urge the inclusion of the following report language:

Expedite Sunsetting Mammalian Testing.-The Committee recognizes that new approach methodologies (NAMs) represent the cutting edge of toxicity testing and should be prioritized for use in testing the safety of pesticides and industrial chemicals over the use of animals and encourages EPA to continue to fund the development of NAMs and eliminate animal testing where possible. The Committee reminds the EPA that the joint explanatory statement accompanying Public Law 117-328 directed the agency to publish information regarding NAMs, including submissions to the NAMs list that are currently being evaluated and those that have been rejected; incorporate specific goals reflecting the current regulatory landscape; and outline the necessary steps to reduce animal testing and to assess progress in order to end the use of mammals in testing and to assess associated progress. U.S. EPA Memorandum "Directive to Prioritize Efforts to Reduce Animal Testing" issued on September 10, 2019 outlined that the agency would end the use of mammals in testing by 2035; we urge the EPA to expedite this timeline.

[This statement was submitted by Jocelyn Ziemian, Senior Legislative Specialist, Humane Society Legislative Fund.]

PREPARED STATEMENT OF THE JAMESTOWN S'KLALLAM TRIBE

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for Fiscal Year 2024 for U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and the Indian Health Service (IHS) budgets. We continue to urge Congress to provide robust investments in Tribal programs and services to ensure Tribes are empowered with the tools and resources needed for effective and efficient governmental operations; a critical prerequisite to achieving Tribal self-sufficiency.

Congress can further Tribal Self-Governance and support strong Tribal governments, economies, and communities by enacting measures that address the structural deficiencies across the Federal system. To include, providing mandatory funding for all Tribal programs and services, requiring the Administration to submit an annual estimate of the total cost to fully fund trust and treaty obligations, break down the funding silos and allow funding from all Federal agencies to be allocated through Self-Governance compacts and funding agreements, provide direct funding to Tribes, increase funding for base and recurring programs instead of grant programs, and empower Tribes with maximum flexibility to improve programmatic outcomes.

Tribal Funding Priority for the U.S. Fish and Wildlife Service, DOI

1. \$712 Million Operations and Maintenance Funding for the National Wildlife Refuge
2. \$100 Million State and Tribal Wildlife Grants

1. \$712 Million—National Wildlife Refuge (NWR) Fund—A significant investment of at least \$712 million in Operations and Maintenance funding for the NWR is needed to meet our shared mission and goals and to begin to address a range of critical services, including wildlife and habitat management, conservation planning, conservation law enforcement, infrastructure, maintenance and repairs, and visitor services. Encompassing over 850 million acres, the NWR is the largest and most diverse network of conservation lands and waters in the world. There are 568 NWR across the United States and these lands and waters are comprised of critical ecosystems that serve as habitat for hundreds of rare, threatened, and endangered species of fish, animals, and plants. However, chronic underfunding and understaffing has undermined the ability of the FWS to fulfill its core mission.

Our Tribe has a strong interest in ensuring the health and vitality of the NWR ecosystems. The Dungeness National Wildlife Refuge (DNWR) is part of the Jamestown S'Klallam Tribe's ancestral homelands. Our Tribal villages were located along the shoreline and we continue to use and inhabit the Dungeness as we have done since time immemorial. Jamestown has significant historical, cultural, and spiritual connections to these lands and waters and this area is critical to the preservation of our oral history, creation stories, language, ceremonies, and culture. We have an

obligation to protect these lands and waters for our future generations which is why we are partnering with the FWS by entering into a Co-stewardship Agreement. Tribal Nations have developed comprehensive approaches to implementing programs and services at the local level using holistic techniques, innovative solutions, and partnerships that have proven successful in leveraging the Federal dollar to yield a higher return on the investment.

2. \$100 Million—State and Tribal Wildlife Grants Program—The State and Tribal Wildlife Grant Program (STWGP) funds foster strong partnerships between Federal, State, and Tribal Governments as well as, Private and Non-Profit entities. These partnerships pool resources to enable wildlife professionals to implement conservation techniques that benefit over 12,000 at risk species. We request that Congress appropriate \$100 million to support this grant program.

Tribal Top Three Priorities and Recommendations for the BIA/BIE and IHS:

1. Advanced Appropriations for Tribal Programs and Services
2. Mandatory Appropriations for Section 105(l) Leases and Contract Support Costs
3. Increase Funding for Tribal Base Budgets

Advance Appropriations for Tribal Programs and Services—We are grateful that Congress enacted Advanced Appropriations for the Indian Health Service for FY2024; however, we now urge Congress to make Advanced Appropriations for the Indian Health Service permanent and to extend advanced appropriations to the Bureau of Indian Affairs and the Bureau of Indian Education. Providing appropriations 1 year in advance for the BIA, BIE and IHS will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribes to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and communities.

Reclassify Discretionary Spending for Section 105(l) Leases and Contract Support Costs (CSC) to Mandatory -Separate, indefinite accounts were established to support Section 105(l) leases and CSC but have resulted in the unintended reduction of funding for critical Tribal programs. Funding for 105(l) leases and CSC should be reclassified as mandatory funding to prevent programmatic decreases. In addition, we urge Congress to take legislative action to clarify its intent that space used to provide services within the scope of the ISDEAA to any patient is compensable under 105(l). Many Tribes are the only healthcare providers in their rural communities and the only ones who will accept Medicare and Medicaid patients. Tribes generate third party revenue by serving these individuals as authorized under Section 813 of the IHCIA and this money in turn is used to provide healthcare to their own citizens. The IHS, however, has adopted a policy that denies compensation to Tribes for the portion of their healthcare facility that the agency decides serves non-beneficiaries even though Congress authorized such services under Section 813 of the IHCIA.

Increase Funding for Tribal Base Budgets—Tribal Priority Allocations (TPA) and Recurring Programs are consistently identified as funding priorities by the Tribal Interior Budget Council (TIBC) because they provide core funding that supports critical government programs and services. Flexibility in the use of funds to support local needs is an important aspect of this funding. TPA and Recurring Program funding provides security and certainty for Tribes rather than funding provided through grant dollars. 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 is incongruent with the trust and treaty obligations.

Tribal Priorities, National & Regional Requests and Recommendations for the BIA:

1. Trust Natural Resources/Treaty Rights/Habitat Restoration/Climate Resiliency
 - \$60 million BIA Rights Protection Implementation
 - \$17.1 million Western Washington Fisheries Management
 - \$10 million Wildlife & Parks Program TPA
 - \$35 million BIA Climate Resilience
2. Human Services
 - \$70 million Social Services
 - \$100 million Welfare Assistance
 - \$30 million Indian Child Welfare Act

\$60 million—BIA Rights Protection Implementation—Rights Protection Implementation is essential to preserve our Tribal treaty rights through resource manage-

ment activities. The Federal investment in our trust natural resources serves two primary purposes: (1) It allows us to fulfill our environmental stewardship responsibilities through the protection and restoration of the ecosystems and habitats of our Tribal homelands and waters through sustainable conservation policies and practices; and (2) it fosters Tribal self-sufficiency by allowing us to grow our economies and cultivate partnerships with State and local governments and other entities. It also allows us to create jobs for our Tribal citizens and community members and promotes and advances trade of our marine resources in local, regional, national, and international markets.

\$17.1 million—Western Washington Fisheries Management—This critical funding supports Tribal co-management activities of our treaty resources with the State of Washington. This funding is critical to support day to day activities and monitoring of endangered habitat and fish stocks. Increased commercial and recreational activities coupled with the severe consequences of climate change has increased the urgency and costs associated with protecting our treaty resources. 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.

\$15 million—Wildlife and Parks- Aquaculture allows us to demonstrate best practices in restoring our waterways, producing more seafood to alleviate food insecurity, combining our Tribal ecological knowledge with advanced technology in marine science to address endangered species concerns, and create economic opportunities while at the same time protecting the environment and preserving our cultural heritage and traditional practices. This funding supports our hatchery operations that harvest salmon, oysters and other fish and shellfish stocks. Our Tribal culture and traditions, ceremonies and subsistence are dependent on the survival of these species.

\$35 million—BIA Climate Resilience—Climate resilience funding is essential to restore ecological functions, healthy habitats, and protect our resources. Our Tribal Treaty Rights are at risk. 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.

\$200 million—Human Services/Social Services/Welfare Assistance/ICWA—Funding for our social service programs is an investment in our most important resources, our elders, our children, and our Tribal families. American Indian/Alaska Native children have a unique legal status as citizens of Tribal governments and the Indian Child Welfare Act (ICWA) provides safeguards to maintain Tribal and family connections and relationships. We lead our citizens down the path of self-sufficiency by developing their leadership skills, educational skills, job skills, and fostering their health and well-being in a culturally appropriate way. The return on this investment is measured by the increased number of Tribal citizens and descendants entering higher education and earning degrees, the composition of our growing workforce with over 80% comprised of Tribal citizens, descendants, and other Natives, participation in cultural preservation classes that instill a sense of pride in our people to create marketable products that are sold through the Tribe's retail outlet.

Tribal Priorities, National and Regional Requests and Recommendations for the IHS:

1. \$2.9 billion to Support Current Services
2. \$1 billion for Purchased and Referred Care
3. \$82 million for Behavioral Health Mental and Alcohol and Substance Abuse

\$2.9 billion—Support Current Services—The Federal trust obligation requires significant investment in Tribal healthcare systems. 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.

\$1 billion—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. PRC funds are extremely important to the Portland Area Tribes because the Portland Area lacks hospitals and specialty care centers, so Tribes in the Northwest are forced to turn to the private sector to fulfill this need.

\$82 million—Behavioral Health Mental and Alcohol and Substance Abuse -The Jamestown Healing Clinic will provide a holistic approach to treatment for those

who suffer from opioid use disorders through the provision of wrap-around services, to include, primary care, dental services, transportation to and from the clinic, employment, housing, and other associated needs.

The Jamestown S'Klallam Tribes supports the National and Regional Tribal Organizations requests for FY 2024. Thank you.

[This statement was submitted by the Honorable W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe.]

PREPARED STATEMENT OF THE KALISPEL TRIBE OF INDIANS

Summary of Budget Requests:

- I. Bureau of Indian Affairs, Trust—Real Estate Services—Increase base funding for Tribes whose land base has changed since 1995.
- II. Bureau of Indian Affairs, Trust—Real Estate Services—Provide Real Estate Services funding to support backlogged, inaccurate, and expired easements, surveys, and leases
- III. Bureau of Indian Affairs, Public Safety & Justice—Increase funding for Criminal Investigation & Policing Services
- IV. Bureau of Indian Affairs, Public Safety & Justice—Provide additional funding for Detention/Correction Services
- V. Bureau of Indian Affairs, Public Safety & Justice—Increase funding to expand Tribal access to Fire Protection Services Tribal Priority Allocation base funding.

The Kalispel Tribe of Indians' ("Kalispel" or "Tribe") aboriginal territory spanned over 2.3 million acres or about twice the size of Delaware. The territory follows the Pend Oreille and Clark Fork Rivers throughout present-day northeastern Washington, northern Idaho, and western Montana. Today, our Tribe resides on a 4,600-acre Reservation located along the Pend Oreille River near Usk in northeastern Washington State with an additional area of Reservation in Airway Heights.

These 4,600 acres are essential to who we are as a Tribal Nation. These are the lands President Woodrow Wilson designated as our Reservation by Executive Order in 1914. This was the substantially reduced land base assigned to us after we refused to submit to Isaac Stevens' treaty negotiations or demands—first as an Indian agent and after as the territorial governor, a testament to the fact that the Kalispel people will not be separated from them.

Since 1991, Kalispel has worked strategically to build a stronger, more resilient community with healthy Tribal Members through the development of economic opportunities, and the preservation of forests and other natural resources. These initiatives have allowed the Tribe to expand services for Tribal Members and our neighbors in Usk. The Tribe provides health services, natural resources management, fire protection, and law enforcement services with very little support from the Bureau of Indian Affairs ("BIA").

Historically, the Kalispel Tribe has delivered services when the Federal Government has failed to deliver. Over the last three decades, the BIA has treated the Kalispel Tribe inequitably compared to other Tribes in the Northwest. More recently, the BIA Regional Office has made changes that negatively impacted the Tribe's access to funding to manage and operate Federal programs on the Reservation. Despite the lack of funding and services, the Tribe continues to make substantial investments in health care services, emergency management, and economic development to become a regional leader. If Congress were to increase the funding available to Kalispel, the Tribe could continue to support our Tribal Member, other Reservation residents needs along with regional partners.

On behalf of the Kalispel Tribe, I appreciate the opportunity and respectfully request that the subcommittee strongly consider the following funding increases to better support the Kalispel Tribe's self-governance and fulfill the Federal Government's trust responsibility.

- I. Bureau of Indian Affairs, Trust—Real Estate Services—Increase Base Funding for Tribes Whose Land Base Has Changed Since 1995.

In recent discussions with BIA, we learned that the 1995 value of realty services available to Kalispel was \$211. The value in Fiscal Year 2023 was \$231. This funding level is based solely on the total number of the Tribe's trust acres in 1995. Since 1995, Kalispel has made significant investments to reacquire property, transfer property into trust, and protect individual trust landowners. The lack of investment in this line has resulted in trespass and right-of-way issues across Tribal and trust property including inaccurate easements, surveys, and leases of trust property. If

trespass issues are not addressed by the BIA, Tribal authority and ownership diminish over time and the loss of property and lawful access becomes a reality. These land defects and trespasses undermine the Tribe's sovereignty.

The Tribe was served for many years by a BIA Agency which had two (2) full time employees dedicated to Realty issues. When the other Tribe served by that agency contracted to provide those services themselves, the Kalispel Tribe was left with the \$211 worth of services.

The Committee should take action to provide an increase in Real Estate Services to protect trust property. Further, the Committee should direct the BIA to prioritize distribution of those increases to Tribes who have expanded their land base, instead of using historical bases that do not represent current Tribal landholdings. The BIA's current practice enshrines past funding systems that detrimentally impacted the Kalispel and will continue to detrimentally impact my people.

II. Bureau of Indian Affairs, Public Safety & Justice—Increase Funding for Criminal Investigation & Policing Services

The Kalispel Tribe directly through their Public Safety Department, and through direct contracts, provides law enforcement, fire protection, and emergency medical services to residents and businesses of the entire Reservation, surrounding communities, and Tribal businesses. This department serves everyone from Tribal Members on the Reservation in Usk to apartment complex residents in Airway Heights, as well as patrons of all Tribal businesses. Recently the Tribe had to contract with a local agency at the rate of over \$400,000 per year to provide fire and emergency medical services to the Tribal Reservation and trust land in Airway Heights. The Kalispel Law Enforcement Department is partially funded through a BIA Indian Self-Determination and Education Assistance Act contract. The funding provided from the BIA only supports twenty-seven (27) commissioned officers between the two sites—Usk and Airway Heights—which are separated by over sixty (60) miles of mostly rural highway. This can result in no officers left on a shift on the Usk Reservation and a limited number available for Kalispel Tribal residents, economic enterprises, and non-Indian residents, visitors, and customers.

Maintaining this limited force is increasingly difficult because the BIA has not received any pay cost support for law enforcement officers, leaving the Tribe without the ability to pay competitive wages for the area. This funding must also support all capital costs and regular maintenance for police vehicles, buildings, and equipment. Most importantly for a division like that of Kalispel's is the need to regularly replace and maintain a motor vehicle pool for law enforcement officers that must travel large distances between the two Reservations. The current funding provided from the BIA to cover all equipment maintenance and fuel is less than \$40,000 annually. Without additional funding, Kalispel will lose traction in recruiting and retaining officers, resulting in more risk to the safety of those officers in the field due to insufficient vehicle maintenance and equipment safety.

III. Bureau of Indian Affairs, Public Safety & Justice—Provide Additional Funding for Detention/Correction Services

Lack of local detention services also creates a significant personnel challenge for the Kalispel Police Department because the BIA only provides support for detention services at the Wellpinit Adult Detention Center. Transportation to the Wellpinit Detention Center is at a least a four-hour trip, leaving Kalispel with limited force, sometimes during an inmate transport there are no officers on duty on the Reservation. The BIA historically contracted with local county facilities to provide detention services for Kalispel. However, the BIA recently unilaterally ended those contracts, which now requires significantly more transports to Wellpinit, without additional maintenance or fuel cost support to Kalispel. Unfortunately, this is the only BIA detention center in the region, leaving no services for juvenile incarceration. The detention center is often in a State of disrepair leaving portions of it unsafe for inmates and reducing the availability of detention services. While the instances of juvenile incarceration are rare, the BIA Office of Justice Services does not have a readily available solution should a serious case arise. Kalispel asks that Congress increase the funds available for detention services, and that new increases are distributed to those Tribes without BIA-operated detention services. If increases are provided, Kalispel, and similarly positioned Tribes, can contract the services needed closer to their highest need areas and increase efficiency for their Police Division.

IV. Bureau of Indian Affairs, Public Safety & Justice—Increase Funding to Expand Tribal Access to Fire Protection Services Tribal Priority Allocation Base Funding.

The Kalispel Public Safety Division also includes fire protections services for the entire Reservation and all Tribal properties. Kalispel provides these fire services without any support from the BIA. These services are vital for the safety of people and property across the Tribe. The distance between the Tribe's Reservation locations in Usk and Airway Heights requires two different fire stations with three fire suppression units. In addition to servicing the Reservation, Kalispel also coordinates with surrounding communities to coordinate and provide services in response to emergencies. Kalispel urges this subcommittee to consider increasing funds for Fire Protection, specifically for those Tribes providing this service to reservations and trust property without any support from the BIA. Increases in this funding would allow Kalispel to plan capital equipment purchases and regular maintenance of equipment, in addition to compensation for Fire Protection employees.

We hope that you will consider the above recommendations. We appreciate the partnership this subcommittee has shown to Tribes. We look forward to working with you and others to ensure that the Federal Government upholds the trust responsibility.

[This statement was submitted by Glen Nenema, Chairman and CEO, Kalispel Tribe of Indians.]

PREPARED STATEMENT OF KALISPEL TRIBE OF INDIANS

Summary of Budget Requests:

- Bureau of Indian Affairs, Public Safety & Justice—Increase funding for Criminal Investigation & Policing Services
- Bureau of Indian Affairs, Public Safety & Justice—Provide additional funding for Detention/Correction Services
- Bureau of Indian Affairs, Public Safety & Justice—Increase funding to expand Tribal access to Fire Protection Services Tribal Priority Allocation base funding.
- Bureau of Indian Affairs, Public Safety & Justice—Increase Tribal Courts funding for Public Law 280 States
- Bureau of Indian Affairs, Trust—Real Estate Services—Provide Real Estate Services funding to support backlogged, inaccurate, and expired easements, surveys, and leases
- Indian Health Service, Clinical Service—Increase funding for Purchased/Referred Care
- Bureau of Indian Affairs & Indian Health Service, Payments for Tribal Leases—Maintain indefinite appropriation for 105(l) Leases

Our aboriginal territory spanned over 2.3 million acres or about twice the size of Delaware. The territory followed the Pend Oreille and Clark Fork Rivers throughout present-day northeastern Washington, northern Idaho, and western Montana. Today, our Tribe resides on a 4,600-acre Reservation located along the Pend Oreille River near Usk and Cusick in northeastern Washington state with an additional area of Reservation in Airway Heights.

These 4,600 acres are the center of our universe. These are the lands we clung to after the arrival of homesteaders and that we refused to negotiate over when Isaac Stevens—first as the Indian agent and later as the territorial governor—came to discuss a treaty with the United States. We view President Woodrow Wilson's designation of these lands as our Reservation by Executive Order in 1914 as a testament to the fact that the Kalispel people will not be separated from them.

Since 1991, Kalispel has worked strategically to build a stronger, more resilient community with healthy Tribal citizens through the development of economic opportunities, and the preservation of forests and other natural resources. These initiatives have allowed the Tribe to expand services for Tribal members and our neighbors in Usk and Cusick. Today, the Tribe provides health care services, natural resources management, fire protection, and law enforcement services with very little support from the Bureau of Indian Affairs and the Indian Health Service.

Historically, the Kalispel Tribe has delivered services when the Federal Government has failed to deliver. Over the last three decades, the Bureau of Indian Affairs (BIA) has treated the Kalispel Tribe inequitably compared to other Tribes in the Northwest. More recently, the BIA Regional Office has made changes that negatively impact the Tribe's access to funding to manage and operate Federal programs on the Reservation. Despite the lack of funding and services, the Tribe has made investments in health care services, emergency management, and economic development to become a regional leader. If Congress were to increase funding or make funding available to Kalispel, the Tribe could continue to support members' needs with regional partners.

On behalf of the Kalispel Tribe, I appreciate the opportunity to submit this testimony and respectfully request that the subcommittee strongly consider the following funding increases to better support the Kalispel Tribe's self-governance and fulfill the Federal Government's trust responsibility.

BUREAU OF INDIAN AFFAIRS, PUBLIC SAFETY & JUSTICE—INCREASE FUNDING FOR
CRIMINAL INVESTIGATION & POLICING SERVICES

The Kalispel Tribal Public Safety Division provides law enforcement, fire protection, and emergency medical services to residents and businesses of the entire Reservation, surrounding communities, and Tribal businesses. This department serves everyone from Tribal members in Usk to apartment complex residents in Airway Heights, as well as patrons of all Tribal businesses. The Kalispel Law Enforcement Division is partially funded through a BIA Indian Self-Determination and Education Assistance Act contract. The funding provided from the BIA only supports 24 commissioned officers between the two sites—Usk and Airway Heights—which are separated by over 60 miles of mostly rural highway. This results in just five officers during a single shift for all Kalispel Tribal residents, economic enterprises, and non-Indian visitors and customers. Maintaining this limited force is increasingly difficult because the BIA has not received any pay cost support for law enforcement officers, leaving the Tribe without the ability to pay competitive wages for the area. This funding must also support all capital costs and regular maintenance for police vehicles, buildings, and equipment. Most importantly for a division like that of Kalispel's is the need to regularly replace and maintain a motor vehicle pool for law enforcement officers. The current funding provided from the BIA to cover all equipment maintenance and fuel is less than \$40,000 annually. Without additional funding, Kalispel will lose traction in recruiting and retaining officers, resulting in more risk to the safety of those officers in the field due to insufficient vehicle maintenance and equipment safety.

BUREAU OF INDIAN AFFAIRS, PUBLIC SAFETY & JUSTICE—PROVIDE ADDITIONAL
FUNDING FOR DETENTION/CORRECTION SERVICES

Lack of local detention services also creates a significant personnel challenge for the Kalispel Police Department because the BIA only provides support for detention services at the Wellpinit Adult Detention Center. Transportation to the Wellpinit Detention Center is at a least a four-hour trip, leaving Kalispel with a total force of no more than four officers during an inmate transport. The BIA historically contracted with local county facilities to provide detention services for Kalispel. However, the BIA recently unilaterally ended those contracts, which now requires significantly more transports to Wellpinit, without additional maintenance or fuel cost support to Kalispel. Unfortunately, this is the only BIA detention center in the region, leaving no services for juvenile incarceration. The detention center is often in a State of disrepair leaving portions of it unsafe for inmates and reducing the availability of detention services. While the instances of juvenile incarceration are rare, the BIA Office of Justice Services does not have a readily available solution should a serious case arise. Kalispel asks that Congress increase the funds available for detention services, and that new increases are distributed to those Tribes without BIA-operated detention services. If increases are provided, Kalispel, and similarly positioned Tribes, can contract the services needed closer to their highest need areas and increase efficiency for their Police Division.

BUREAU OF INDIAN AFFAIRS, PUBLIC SAFETY & JUSTICE—INCREASE FUNDING TO EX-
PAND TRIBAL ACCESS TO FIRE PROTECTION SERVICES TRIBAL PRIORITY ALLOCATION
BASE FUNDING

The Kalispel Public Safety Division also includes fire protections services for the entire Reservation and all Tribal properties. Kalispel provides these fire services without any support from the BIA. These services are vital for the safety of people and property across the Tribe. The distance between the Tribe's Reservation locations in Usk and Airway Heights requires two different fire stations with three fire suppression units. In addition to servicing the Reservation, Kalispel also coordinates with surrounding communities to coordinate and provide services in response to emergency. Kalispel urges this subcommittee to consider increasing funds for Fire Protection, specifically for those Tribes providing this service to Reservations and Trust property without any support from the BIA. Increases in this funding would allow Kalispel to plan capital equipment purchases and regular maintenance of equipment, in addition to compensation for Fire Protection employees.

BUREAU OF INDIAN AFFAIRS, PUBLIC SAFETY & JUSTICE—INCREASE TRIBAL COURTS
FUNDING FOR PUBLIC LAW 280 STATES

The State of Washington exercises limited jurisdiction over Kalispel Tribal members, requiring the Federal and Kalispel Tribal Governments to fill the gaps. However, the BIA does not provide consistent funding for Tribal Courts within Public Law 280 States, like Washington, nor does it provide services directly. Therefore Kalispel, and other similarly positioned Tribes, are forced to fund the costs of a Tribal Court without Federal support. Kalispel has managed to support Court services in Usk and Airway Heights using Federal competitive grants and economic development funding. Recurring funding through the BIA would provide a base for operations and allow the Tribe to address civil and criminal dockets more readily. It would also allow for capital improvements necessary to appropriately provide judicial services.

Bureau of Indian Affairs, Trust—Real Estate Services—Provide Real Estate Services Funding to Support Backlogged, Inaccurate, and Expired Easements, Surveys, and Leases In the last several years, the Kalispel Tribe has identified numerous rights-of-way in trespass across Tribal and Trust property. The Kalispel Planning Department has shared their concerns regarding inaccurate easements, surveys, and leases of Trust Property with the agency and region, but no additional funding or immediate action has been taken to resolve trespass issues. If trespass issues are not addressed by the BIA, Tribal authority and ownership diminish over time and the loss of property and lawful access becomes a reality. These land defects and trespasses undermine the Tribe's sovereignty. Kalispel asks that Congress fund Real Estate Services so that the Tribe can correct decades of BIA neglect.

Indian Health Service, Clinical Service—Increase Funding for Purchased/Referred Care The Kalispel Tribe receives funding from Indian Health Service (IHS) to provide valuable health services for Tribal and Non-Tribal members in Usk and Airway Heights. The Kalispel Compact transfers funding for basic administrative and behavioral health services, public health nursing, and purchased/referred care (PRC). The Tribe has grown this funding to provide primary care, dental services, aquatic physical therapy, and naturopathic services for Tribal and community members. Kalispel is one of just a handful of providers that accept Washington Medicaid and Medicare for dental services, keeping the dental clinic very busy. While Kalispel has experienced success providing community-based services, there remains a significant need for additional funding to provide services that the Tribe cannot provide directly. The Portland Area is one of the only IHS areas in the Nation without a single IHS or Tribal hospital. Therefore, Kalispel and other Tribes in the Area are PRC dependent. The incremental increases to PRC have provided additional support in the wake of COVID-19, but the need to support long-term COVID disorders and other complications has not yet been realized. Therefore, Kalispel asks that this subcommittee continue to provide increases so that Tribes do not leave patients without access to critical health services and support.

BUREAU OF INDIAN AFFAIRS & INDIAN HEALTH SERVICE, PAYMENTS FOR TRIBAL
LEASES—MAINTAIN INDEFINITE APPROPRIATION FOR 105(L) LEASES

Like many other Tribes, Kalispel believes that 105(l) Leases provide critical maintenance and operation support for former Federal programs. Indefinite appropriations for these leases support Tribal self-determination and acknowledge Tribal investments in the operation of Federal programs. Kalispel appreciates the work this subcommittee has done to support Tribal self-determination and urges the subcommittee to maintain access to these funds.

We hope that you will consider the above recommendations. We appreciate the partnership this subcommittee has shown to Tribes. We look forward to working with you and others to ensure that the Federal Government upholds the trust responsibility.

[This statement was submitted by Glen Nenema, Chairman and CEO, Kalispel Tribe of Indians.]

PREPARED STATEMENT OF THE LAND AND WATER CONSERVATION FUND

Thank you for the opportunity to present testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2024 Interior Appropriations Bill, as a spokesperson on behalf of the LWCF Coalition. As a broad coalition of sportsmen, veterans, business, recreation, historic preservation and conservation leaders concerned with America's outdoor heritage, we support LWCF as our Nation's most important conservation and recreation program, delivering an array of benefits from

protecting drinking water and conserving natural infrastructure, to providing landscape conservation, habitat protection, and outdoor recreation access for all. The program and its many benefits are critical to preserving America's most treasured landscapes for future generations. However, LWCF needs increased investment in Fiscal Year 2024 to address all the outstanding conservation and recreation priorities across the country.

Investments in LWCF support public land conservation and ensure access to the outdoors for all Americans, in rural communities and cities alike. It has created outdoor recreation opportunities in every State and 98 percent of counties across the country, opening up key areas for hunting, fishing, and other recreational access; supporting working forests and ranches; and acquiring inholdings and protecting critical lands in national parks, national wildlife refuges, national forests, Civil War battlefields, and other Federal areas. Our federal, State, and local public lands represent a critical economic asset and a smart investment. The parks, trails, forests, rivers, wildlife refuges, battlefields, historic sites, and working lands sustained by LWCF funding support an outdoor recreation and tourism sector that contributes a total of \$1.06 trillion annually to the American economy, supporting 9.4 million jobs (1 out of every 15 jobs in the U.S.).

We greatly appreciate the FY 2023 Interior, Environment and Related Agencies bill's investment in LWCF and urge that in the FY 2024 bill you recognize the resounding level of support for LWCF, and the backlog of compelling now-or-never conservation and recreation needs in communities across America by investing the increased resources needed to successfully implement this valuable, time-tested program. We thank the subcommittee for its vital work in FY23 to produce a bill with strong project oversight and balanced allocations among LWCF subprograms according to the formula set down by the Dingell Act: at least 40% for Federal agency conservation priorities, at least 40% for the suite of LWCF State and local grant programs, and the remaining 20% divided between those two sides based on need.

Just as importantly, by retaining unobligated, prior-year discretionary LWCF funds within appropriated programs rather than allowing them to be rescinded, the FY23 bill also recognizes that the programs under the LWCF umbrella are oversubscribed and that full funding of LWCF has not eliminated the backlog of time-sensitive conservation and recreation priorities. We appreciate the subcommittee's commitment to addressing unmet needs by keeping funds in place for viable funded projects within these accounts, and for reinvesting them in LWCF program needs through reprogrammings in the event specified project needs have changed. With demand continuing to outstrip available LWCF funding, we urge you to retain this approach in FY24.

However, there is real, urgent need to look beyond this solid foundation of funding for LWCF to meet the current moment of continuing rapid nature loss, persistent inequality of access to parks and outdoor recreation opportunities, and growing climate impacts. In FY 2024, the Biden Administration submitted more than \$1.1 billion in LWCF needs in its budget request (including \$201 million on the ready-to-go supplemental project lists), and hundreds of millions more were identified during the budget process but left off the final submission lists. Overall demand for LWCF is even higher, with many projects on the priority lists representing single phases of much larger projects. To avoid losing irreplaceable natural and cultural resources, we urge the subcommittee to include \$450 million in discretionary funding, to complement the mandatory allocations provided by the Great American Outdoors Act (GAOA), in the FY 2024 Interior appropriations bill.

Under GAOA, annual revenues covered into the LWCF account since FY2021 are dedicated for LWCF expenditure, allowing for increased investment in landscape-level conservation, working forests and ranchlands, historic and cultural sites, and access to the outdoors for all. The legislation left intact the ability of future Congresses to appropriate additional discretionary LWCF funds, and over \$22 billion in prior LWCF receipts remain unspent from the LWCF Special Account in the Treasury. Meanwhile, project demand in every State continues to outstrip the level set for the program, with many now-or-never opportunities at risk.

LWCF's \$900 million level was authorized in 1978, when the purchasing power of that amount was more than four times what it is today. Since that time, chronic underfunding of LWCF created a backlog of unmet conservation and recreation needs and a long line of willing-seller landowners and community stakeholders clamoring for access to these funds. GAOA's dedicated funding can begin to address these critical needs; to more fully address urgent conservation priorities and inequities, additional targeted investment is needed from the unobligated balances of the LWCF Special Account.

Now is the time for America to make significant progress towards its conservation goals, to address longstanding disparities in equal access to the benefits of nature

for underserved communities, and to avoid loss of sensitive lands and waters. We urge you to consider an investment of \$450 million in discretionary funds, in addition to mandatory LWCF funding, be part of the subcommittee's legislation in FY 2024 to support the numerous ready-to-go project opportunities. To maintain the strength of the land management agencies and the integrity of their overall work, we ask that these additional LWCF funds be provided to augment the budgets of these agencies, and not diminish other necessary operating spending.

Thank you for your attention to this important program and we look forward to working with you to grow investment in conservation and recreation across the Nation.

[This statement was submitted by Jay Leutze of the LWCF Coalition.]

PREPARED STATEMENT OF THE LEAGUE OF AMERICAN ORCHESTRAS

NATIONAL ENDOWMENT FOR THE ARTS

The League of American Orchestras urges the Senate Interior, Environment, and Related Agencies Appropriations subcommittee to provide no less than \$211 million for the National Endowment for the Arts in fiscal year 2024, as recommended by President Biden. We are grateful for the strong bipartisan support from Senate and House Appropriators over the last several years and encourage Congress to enable more communities across the country to inspire the next generation, provide connectivity, and continue to advance the arts as a necessary, creative way to express the full range of what makes us human.

The NEA holds a unique and valuable Federal leadership role through direct and indirect grantmaking, cross-cutting research, and convenings that facilitate shared learning and advancement among arts organizations and practitioners. A direct grant awarded by the National Endowment for the Arts is a respected national designation that conveys an organization has passed a rigorous panel review and offers an artistic engagement worthy of Federal investment. Every orchestra-large and small-is a vital part of its local ecology, and those that receive an award from the National Endowment for the Arts highly value the support in their continual work to enhance the experience of live music for people of all ages and respond to community needs. The following examples offer a glimpse of recent orchestra-led engagement made possible in part by the NEA.

The Utah Symphony presented Olivier Messiaen's *Des canyons aux étoiles (From the Canyons to the Stars)* at O.C. Tanner Amphitheater in Springdale, Utah this past June, with assistance from a Grants for Arts Projects award. This marked a rare opportunity for a capacity audience of more than 1,600 people from across the State-many driving hundreds of miles-to hear this monumental 12-movement work performed outside in one of the settings that inspired the composer. Maestro Thierry Fischer emphasized how fitting it was for the Utah Symphony to showcase its artistry with music that arose out of the composer's spiritual experiences stirred by the landscapes, night skies, and bird life of Zion and Bryce national parks and Cedar Breaks National Monument. "It will be incredibly unique to hear Messiaen's music performed... by musicians who live in, know, and love the natural beauty of Utah," said Maestro Fischer when announcing the concert. This performance was one of the highlights in a multi-year vision introducing Utah audiences to the works of 20th and 21st-century composers, focused on music animated by nature and celebrating the natural beauty of Utah and its power to inspire.

Also bringing music outdoors is The Jackson Symphony, which received an NEA Challenge America grant for its "Symphony On the Move" program. Eight communities across six counties in West Tennessee will enjoy free hour-long concerts along the theme of "A Musical Journey Around the World." This year's theme informs not only the musical performances but is also designed in partnership with local schools and libraries to complement the summer read program. The ensemble itself will include six professional Jackson Symphony musicians and one local vocalist. Together, they will perform works of international composers and representing the diverse populations of Tennessee. Concerts will be performed in town squares, parks, and local gathering areas in each town, amplifying a sense of community and togetherness in each location. To date, the Jackson Symphony has performed more than 50 of these Symphony On the Move concerts, and in recognition of the limited ability of many Tennesseans to travel to a performance, this NEA support will directly assist in the orchestra's mission to bring the live music experience to more Tennesseans.

Performing in wider parts of its state is also a priority for the Fort Worth Symphony Orchestra (FWSO)-the only professional symphony orchestra in Tarrant

County. One of the ways the FWSO has historically achieved its goal of providing its community with equitable opportunities to access classical music is through its Statewide Touring Initiative, which brings live performances of classical music and engaging music education programs to adults and children living in rural areas of Texas. In fiscal year 2022, the FWSO received an NEA Grants for Arts Projects award to support this initiative and put that funding toward its tour to rural communities in North Texas such as: Glen Rose, Graham, Granbury, Keller, Stephenville, and Waxahachie. In each of these places, the FWSO performed a combination of educational concerts—designed to address cross-curricular goals and meet the Texas Essential Knowledge and Skills State educational standards—and free or reduced-cost evening concerts in familiar venues that residents of the communities could easily access.

Picking up on the theme of both touring and engaging young people, the Wheeling Symphony Orchestra's Young People's Concert Tour introduces students to new music using a familiar genre that grabs their attention and creates a bond among the artist, conductor and the orchestra. Grammy nominated Progressive Hip-Hop Artist Christylez Bacon, in collaboration with composer Evan Meier and music director John Devlin, will perform *Migrations in Rhythm* that explores the progression of hip-hop from its beginnings. Christylez will perform lyrics and beat-box with orchestral accompaniments for 5,000 elementary students and their teachers from public, private and home-schools in West Virginia counties of Ohio, Marshall, and Brooke; Ohio counties of Belmont and Jefferson; and Washington County, Pennsylvania. With support from the NEA, free concerts will be performed in three school auditoriums in mid-April 2023, and to reach even more students in West Virginia, the performance will be filmed and distributed to students in school districts unable to travel the distance to attend one of the concerts in person. Using the Teacher's Guide prepared by the president of the WV Music Educators' Conference, teachers in each school will prepare students to attend the concert.

The Rochester Philharmonic Orchestra (RPO) is responding to both young people and adults in its NEA-supported expansion of its Care & Wellness Initiative. This arts accessibility program is built around addressing barriers due to health or disability status. Now in its second year, the Care and Wellness Initiative brings RPO musicians to hospitals, memory care units, special education centers, and more to bring appropriate, therapeutic performances directly to individuals who otherwise may not have access to live performance. This year the Philharmonic is mounting its first-ever Sensory-Friendly Concert for children and families with sensory challenges such as Autism spectrum disorder. Planned accommodations include noise-reduction headphones, "quiet rooms" for those who are overstimulated or otherwise need a break, preparatory materials for families such as a social narrative, and adaptive concert etiquette. The orchestra anticipates that more than 1,250 individuals will be able to access and experience the RPO and live music through this initiative in 2023.

Part of how orchestras respond to community is to utilize the art form to share the deep connection between music and historically significant events. The Portland Symphony Orchestra's Grants for Arts Project award contributed toward the production of a Concerts of Remembrance project last October which consisted of performances as well as exhibitions of more than 60 instruments from *Violins of Hope*. The exhibitions, which took place at the Maine Jewish Museum (MJM) in Portland and the Holocaust and Human Rights Center (HHRC) in Augusta, shared stories about the musical instruments and the Jewish people to whom they belonged before they were confiscated by the Nazis before and during World War II. Principal string players of the orchestra performed on instruments from this collection, offering free string quartet concerts of music by Jewish composers at MJM and HHRC. The PSO also offered performances and education programs at three area schools, reaching between 800–1,000 students in all. Lastly, the full symphony, along with Choral Art, gave two performances of Verdi's *Requiem*, which was made available for viewing on PSO TV throughout the month of November. These *Requiem* performances brought this poignant programming to more than 2,000 people, with an additional 1,000 viewers of the digital concert.

The New Haven Symphony Orchestra (NHSO) is similarly planning to engage its audiences with music informed by historically and culturally significant events. Its NEA-supported program will focus on works by one contemporary and three historic Black composers: Margaret Bonds's *Montgomery Variations* (1964) was inspired by the civil rights movement; Florence Price's 1934 *Piano Concerto in One Movement* incorporates spirituals as well as the Juba, a dance originated by enslaved people; Helen Hagan's 1912 *Concerto in C Minor* has been re-orchestrated to intersperse Ragtime into a late Romantic style; and contemporary composer Quinn Mason describes *A Joyous Trilogy* as "the very embodiment of happiness." Pianist Michelle

Cann will join the Symphony for this performance. In addition to the performances at Lyman Center for the Performing Arts, free concerts will be held in community venues throughout New Haven featuring the orchestra's Harmony quartet and soprano Lisa Williamson, and will include opportunities for community artists to perform.

The Saint Paul Chamber Orchestra (SPCO) is also using music as a means to highlight important issues of our time, past and present—focusing in particular on people who were not fully acknowledged in their own time. An NEA grant will assist the orchestra in highlighting several women in the field of classical music as part of the SPCO's larger efforts to include more historically underrepresented artists in its performance repertoire. Curated and led by Artistic Partner Tabea Zimmermann and SPCO musicians Maureen Nelson and Eunae Koh, the project additionally celebrates women in music leadership roles. A combination of 18 performances will showcase 6 women composers: Clara Schumann, Valborg Aulin, Hilary Tann, Louise Farrenc, Gabriela Lena Frank, and Fanny Mendelssohn-Hensel. In culmination, SPCO flautist Alicia McQuerrey will deliver a solo performance of Amy Beech. Delivering on the SPCO's mission of serving as many in the community as possible, performances will take place at 10 venues across the Minneapolis/Saint Paul Metro Area, and one program will be livestreamed for free.

Thank you for this opportunity to share how the National Endowment for the Arts supports orchestras' engagement with their communities. These grants, and many others throughout the country, make a tremendous difference by helping orchestras provide employment to musicians and staff while fulfilling their core purpose of educating and serving. We applaud the NEA's consistent leadership in promoting public engagement with all forms of art and for its responsiveness to both present and future concerns for the sector. With Congressional support for an annual appropriation of at least \$211 million for the National Endowment for the Arts in FY2024, more communities throughout our Nation will be able to experience the life-changing and affirming benefits of the arts.

The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of more than 1,800 organizations and individuals across North America runs the gamut from world-renowned orchestras to community groups, from summer festivals to student and youth ensembles, from conservatories to libraries, from businesses serving orchestras to individuals who love symphonic music. A national organization dedicated solely to the orchestral experience, the League is a nexus of knowledge and innovation, advocacy, and leadership advancement. Its conferences and events, award-winning Symphony magazine, website, and other publications inform people around the world about orchestral activity and developments. Founded in 1942 and chartered by Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers and administrators, board members, volunteers, and business partners.

[This statement was submitted by Simon Woods, President and CEO, League of American Orchestras.]

PREPARED STATEMENT OF THE LITTLE SHELL TRIBE OF CHIPPEWA INDIANS

Summary of Budget Requests:

- I. Bureau of Indian Affairs—Increase “Aid to Tribal Government (TPA)” funding
- II. Bureau of Indian Affairs—Increase “Indian Child Welfare Act (TPA)” funding
- III. Indian Health Service—Increase “Purchased/Referred Care” funding
- IV. Indian Health Service—Support for “Accreditation Emergencies” Funding

Greetings Chair Merkley, Ranking Member Murkowski, 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 provide written testimony regarding the Tribe's Fiscal Year (“FY”) 2024 funding priorities within the subcommittee's jurisdiction.

Little Shell Tribal members became eligible for services provided by the Indian Health Service (“IHS”) and the Bureau of Indian Affairs (“BIA”) after enactment of the Little Shell Restoration Act in December 2019. Following restoration, these two Federal agencies requested specific funding to support Little Shell—essentially setting base funding for any future inflationary or appropriated increases. In FY 2024, the Tribe's funding will transition from “New Tribes” funding to “Aid to Tribal Government.” While the Tribe never received adequate “New Tribes” funding to meet

the demands of our expanding government and growing population, it is critical to ensure that future allocations meet the Tribe's basic governmental needs.

I. BUREAU OF INDIAN AFFAIRS—INCREASE “AID TO TRIBAL GOVERNMENT (TPA)”
FUNDING

When a Tribe is recognized or restored to Federal recognition, the BIA requests additional funding for the newly recognized Tribe through the “New Tribes” program. The amount requested customarily becomes the base funding for the newly recognized tribe—essentially the amount the Tribe will receive every year going forward. “New Tribes” funding was designed to provide newly acknowledged Tribes with funding and assistance in initiating federally funded operations by strengthening Tribal government systems. New Tribes¹ receive assistance under the program for 3 years, then funding for those Tribes is transferred to the “Aid to Tribal Government” program so that they may begin to establish program and funding priorities.

Prior to FY 1997, the amount of “New Tribes” funding received by newly recognized Tribes varied greatly. New Tribes would assess their needs, design, or propose operational programs to meet their needs, and submit proposed budgets to implement the proposed programs. In FY 1996 alone, this led to newly recognized Tribes receiving amounts as small as \$127,000 and as large as \$1.492 million in “New Tribes” funding. In FY 1997, the “New Tribes” funding methodology was simplified by providing \$160,000 in base funding for new Tribes with less than 1,500 members and \$320,000 to Tribes with a population of 1,501 to 3,000 members. The funding level for new Tribes with more than 3,000 members was to be determined on a case-by-case basis.

In FY 2011, the population component of the methodology was slightly changed moving from 1,500 to 1,700 members for the \$160,000 base level funding and 1,701 to 3,000 for the \$320,000 funding level. The funding level for Tribes with over 3,000 members would still be determined on a case-by-case basis. This policy appears to have remained in place for the six Virginia Tribes recognized by Congress in January 2018.

The Little Shell Tribe, with a Tribal membership of approximately 6,300 members, qualifies for the “case-by-case” determination under the BIA's longstanding policy. Under the current methodology, Tribes with 1,701 to 3,000 members receive \$320,000, which equals to a range of \$106.66 to \$188.12 per Tribal member. According to this methodology, the Little Shell Tribe's “New Tribes” allocation should be in the range of \$671,000 to \$1.18 million annually. However, in FY 2023, the Tribe only received \$480,000 in “New Tribes” funding, which is hindering the Tribe's ability to operate its government.

As the Tribe now transitions to receive funding for centralized government functions under the “Aid to Tribal Government” program, it is critically important to provide the Little Shell Tribe with adequate funding. In addition, Aid to Tribal Government funds have the broadest flexibility for Tribes to leverage in government operations. The Tribe strongly recommends that BIA prioritize funding to this program precisely because of its flexibility and because all Tribes would benefit from a programmatic increase. The Little Shell Tribe requests that the subcommittee provide, at a minimum, a \$1.18 million increase in the Aid to Tribal Government program to provide the Tribe with the resources necessary to provide basic governmental services to its Tribal citizens.

II. BUREAU OF INDIAN AFFAIRS—INCREASE “INDIAN CHILD WELFARE ACT (TPA)”
FUNDING

Enacted in 1978 to help prevent the separation of Indian families and provide for family reunification, the Indian Child Welfare Act (“ICWA”) has been an invaluable tool for Tribes. Given that the Little Shell Tribe was reacknowledged by the Federal Government only 3 years ago, we have missed out on countless opportunities to achieve the goals of ICWA. Since becoming eligible to utilize ICWA, the Tribe has initiated work to develop a Tribal ICWA code, retained an attorney to support ICWA activities, responded to hundreds of ICWA requests from many state ICWA agencies, and actively engaged in several ICWA case in Montana and Idaho.

While the Tribe has identified resources to provide these services from non-recurring sources, we urge the subcommittee to increase ICWA funding to provide base funding for all Tribes. The current Federal funding streams for ICWA programming

¹The term “new Tribes” is meant only to reflect Tribes that are in the New Tribes funding line. Tribes cannot be new or created, only acknowledged. They have existed since time immemorial.

are sporadic, non-recurring, and no single funding source provides adequate assistance to support an entire Tribal ICWA program. This has caused the Little Shell Tribe to worry each year on how it will secure the required funding to ensure that Little Shell Tribal children are being protected.

The Little Shell Tribe continues to build up its Tribal ICWA programming to protect the Tribe's culture and heritage by maintaining Tribal member connections to customs, traditions, and community. The Tribe would like to continue to grow and establish the necessary support and assistance to Little Shell Tribal children in the foster care system. Through the fundamentals of ICWA, the Little Shell Tribe is focused on preserving our cultural values and promoting stable placements of Little Shell children in loving, permanent homes, connected to their families and our culture.

III. INDIAN HEALTH SERVICE—INCREASE “PURCHASED/REFERRED CARE” FUNDING

Purchased/Referred Care (“PRC”) is typically used to purchase private care in areas where IHS does not provide services directly or when IHS provided care is not sufficient to meet patient needs. However, in FY 2021 the Little Shell Tribe asked and the IHS agreed to provide direct service care using the Tribe's PRC allocation, as allowed under the PRC regulations. The Little Shell Tribe acquired, renovated, and equipped a new health clinic for IHS to provide direct care in the four-county service area in late 2021.

In FY 2021, IHS requested \$2.560 million in Purchased/Referred Care funding “to fund direct health care services” for the Little Shell Tribe. IHS received the requested amount in FY 2021 and in FY 2022 for Little Shell. In FY 2022, IHS received \$2.917 million for services, a slight increase due to this subcommittee's support for the program. The President's FY 2024 budget requests calls for \$1.17 billion for Purchased/Referred Care, which is an increase of \$181 million above the FY 2023 enacted level. It is critical that Congress provide a substantial increase for Purchased/Referred Care in the FY 2024 bill to meet the needs of American Indian and Alaska Native patients, including Little Shell patients.

IHS has been a good partner in establishing appropriate direct care services within the service area in collaboration with Little Shell. However, IHS has limited authority to budget appropriated PRC funds to reflect common IHS operating lines, such as Hospital and Health Clinic, Dental Health, Mental Health, etc. This makes it challenging for Congress and Little Shell Tribal leadership to track how and if health priorities of the community are met. More importantly, it does not accurately capture the Service Unit operational status. The Little Shell Tribe also requests that IHS be given the flexibility to create operational budgets within the PRC line item that accurately reflect day-to-day operations of those facilities like to those of the Little Shell Service Unit.

IV. INDIAN HEALTH SERVICE—SUPPORT “ACCREDITATION EMERGENCIES” FUNDING

Finally, Little Shell requests support for the Accreditation Emergencies Funding. While Little Shell Service Unit is in operation, it has not yet initiated the accreditation process. There are no existing concerns for patient safety or operational concerns. However, Little Shell acknowledges that accreditation ensures that regular safety protocol and standard operating procedures are observed by all staff. Access to these funds would ensure that the Little Shell Service Unit provides the highest standard of care.

On behalf of the Little Shell Tribe, I would like to thank the subcommittee for the opportunity to share our funding priorities for FY 2024.

[This statement was submitted by Gerald Gray, Little Shell Tribe of Chippewa Indians.]

PREPARED STATEMENT OF MEDICAL LIBRARY ASSOCIATION AND ASSOCIATION OF ACADEMIC HEALTH SCIENCES LIBRARIES

I, Mary M. Langman, Director, Information Issues and Policy, Medical Library Association (MLA), submit this statement on behalf of MLA and the Association of Academic Health Sciences Libraries (AAHSL). MLA is a global, nonprofit, educational organization with a membership of more than 400 institutions and 2,500 health information professionals. AAHSL supports academic health sciences libraries and directors to advance the patient care, research, education and community service missions of academic health centers through visionary executive leadership and expertise in health information, scholarly communication, and knowledge management.

We thank the subcommittee for the opportunity to submit testimony supporting appropriations for the National Library of Medicine (NLM), an institute of the National Institutes of Health (NIH), and recommend \$521 million for NLM in FY24, a 5% increase. Working in partnership with the NIH and other Federal agencies, NLM is a key link in the chain that translates the results of research, including data, findable and accessible to all who need it. As NLM works to achieve key objectives of its Strategic Plan—accelerating data powered discovery and health, reaching new users in new ways, and preparing a workforce for a future of data-driven research and health—it also supports NIH-wide efforts to answer the call to respond to national priorities, close the gap in health disparities, and capitalize on fundamental investments. NLM accomplishes this through effective preservation of valued scientific and data resources, judicious investments in extramural and intramural research, informed stewardship of Federal resources, and innovative partnerships to align priorities and leverage investments across HHS, the Federal Government, and the biomedical research community.

As health sciences librarians who use NLM's programs and services every day, teach others how to use NLM resources, and promote NLM in our local communities, we can attest that NLM resources literally save lives. Investing in NLM is an investment in good health.

LEVERAGING NIH INVESTMENTS IN BIOMEDICAL RESEARCH

NLM's budget supports information services, research, and programs that drive the Nation's biomedical research enterprise. In FY24 and beyond, NLM's budget must continue to be augmented to support the transformation and expansion of its information resources, services, research, and programs which collect, organize, and develop new ways to make readily accessible rapidly evolving biomedical knowledge resources and data. NLM maximizes the return on investment in research conducted by the NIH and other organizations. It also makes the results of biomedical information and data accessible to researchers, clinicians, business innovators, students, and the public, enabling such data and information to be used more efficiently and effectively to drive innovation and improve health. Rapid growth of data also necessitates funding that will ensure long-term sustainability of these valuable information resources. NLM is unique because it stimulates and supports innovative research in data science and information management that transcends specific disease areas and data types. This is especially crucial in an era where artificial intelligence algorithms are being rapidly developed and integrated into the systems of daily life, including healthcare.

NLM plays a critical role in NIH's data science and open science initiatives. Its intramural and extramural research programs develop and apply data science techniques to accelerate discovery and improve health through all stages of life. "In support of open science, NLM collaborates across NIH and the Federal Government to accelerate public access to federally funded research results through PMC and other relevant NLM data repositories."

NLM builds, sustains, and augments a suite of almost 200 databases which provide information access to health professionals, researchers, educators, and the public. It supports the acquisition, organization, preservation, and dissemination of the world's biomedical literature. In FY 2022, NLM continued to support sharing of genetic sequence data in support of public health response. It launched the SARS-CoV-2 Variants Overview interactive web resource. This free, open-access tool supports the identification of emerging SARS-CoV-2 variants, and provides the public health community with valuable information needed to guide COVID-19 pandemic research and response efforts. NLM continued to support NIH and interagency initiatives to make SARS-CoV-2 and COVID-19 sequence data widely available for public health response.

GROWING DEMAND FOR NLM'S INFORMATION SERVICES

Each day, millions of people use NLM websites and download more than 115 terabytes of data. Thousands of researchers and businesses upload approximately 15 terabytes of data daily. Annually, NLM information systems process more than six billion human requests and eight billion computer-to-computer interactions. NLM's information services help researchers advance scientific discovery and accelerate its translation into new therapies; provide health practitioners with information that improves medical care and lowers its costs; and give the public access to resources and tools that promote wellness and disease prevention. Every day, medical librarians across the Nation use NLM's services to assist clinicians, students, researchers, and the public in accessing information to save lives and improve health. Without NLM, our Nation's medical libraries would be unable to provide quality information

services that our Nation's health professionals, educators, researchers and patients increasingly need.

NLM's data repositories and online integrated services such as GenBank, MedlinePlus, dbGaP, MedlinePlus, dbGaP, PubMed, and PubMed Central (PMC) are revolutionizing medicine. GenBank is the definitive source of gene sequence information. This past year, more than 430 million users accessed consumer-level information about health topics, which contains more than 22,000 links to authoritative health information on over 1,000 health topics. PubMed, with nearly 35 million references to the biomedical literature, is the world's most heavily used source of bibliographic information with almost 3.3 million users each day. PubMed Central is NLM's digital archive which provides public access to the full-text versions of more than 9 million biomedical journal articles, including those produced by NIH-funded researchers. In FY22, PubMed Central had an average of 3.2 million unique sessions per weekday.

NLM continually expands biomedical information services to accommodate a growing volume of relevant data and information and enhances these services to support research and discovery. NLM ensures the availability of this information for future generations, making books, journals, technical reports, manuscripts, microfilms, photographs and images accessible to all Americans, irrespective of geography or ability to pay, and guaranteeing that citizens can make the best, most informed decisions about their healthcare.

DISSEMINATING CLINICAL TRIAL INFORMATION

NLM's ClinicalTrials.gov is the world's largest publicly accessible database of privately and publicly funded clinical studies. In FY 2022, NLM received registration information for more than 38,000 new clinical research studies. NLM also added more than 4,000 new results summaries to ClinicalTrials.gov. Making this information visible and accessible improves transparency, accountability, and encourages public trust in science consistent with legislative requirements. With the support of NIH, NLM continued its ClinicalTrials.gov modernization effort and launched the first beta release of the modernized ClinicalTrials.gov website in FY 2022. This first release of the modernized website provides a more responsive design with an updated search experience and new study record display. The website also makes information about race and ethnicity, sex and gender, and age of participants easier to find and access.

PARTNERSHIPS ENSURING OUTREACH AND ENGAGEMENT IN COMMUNITIES ACROSS THE NATION

NLM's outreach programs are essential to the MLA and AAHSL membership and to the profession. The NLM coordinates its Network of the National Library of Medicine (NNLM) of more than 8,800 academic health science libraries, hospital and public libraries, and community organizations to improve access to health information for all. Through the NNLM, NLM educates medical librarians, health professionals, and the general public about its services and provides training in their effective use. The NNLM serves the public by promoting educational outreach for public libraries, secondary schools, senior centers and other consumer settings, and its outreach to underserved populations helps reduce health disparities.

Since May 2018, the NNLM has partnered with the NIH All of Us Research Program to support community engagement efforts by United States public libraries and to raise awareness about the program. Together, NLM and NIH have built the NNLM All of Us Community Engagement Network (CEN). The CEN focuses on NNLM's mission to improve the public's access to health information and provide awareness of All of Us to communities that are Underrepresented in Biomedical Research by partnering with libraries across the United States. The CEN is designed to leverage the mission of the NNLM to help libraries in supporting the health information needs of their users.

NLM's MedlinePlus provides consumers with trusted, reliable health information on 1,000 topics in English and Spanish. It attracts more than 1 million visitors daily. NLM continues to enhance MedlinePlus and disseminate authoritative information via the website, and social media. MedlinePlus and MedlinePlus en Español have been optimized for easier use on mobile phones and tablets. NIH MedlinePlus Magazine and NIH MedlinePlus Salud are available in doctors' offices nationwide, and NLM's MedlinePlus Connect enables clinical care organizations to link from their EHR systems to relevant patient education materials.

STRENGTHENING DATA SCIENCE AND OPEN SCIENCE CAPACITY

NLM is a leader in data science and open science, including the acquisition and analysis of data for discovery and the training of biomedical data scientists. The library aims to strengthen its position as a center of excellence for health data analytics and discovery, and to spearhead the application of advanced data science tools to biological, clinical and health data. NLM is building a workforce for data-driven research and health by funding PhD-level research training in biomedical informatics and data science. The library also partners with NIH to ensure inclusion of data science and open science core skills in all NIH training programs, and is expanding training for librarians, information science professionals, and other research facilitators. NLM is participating in NIH-wide efforts to foster a culture that advances science and ensures the development and retention of a diverse, safe, and respectful workforce for data-driven research and health well into the future. In FY 2022, NLM hosted 28 postdoctoral researchers, 10 post-baccalaureate trainees, 3 predoctoral researchers, 18 summer interns, 19 research fellows, 1 clinical fellow, and 2 visiting scientists. It also launched a new research summer internship program in data science and informatics that provides biomedical informatics training and research opportunities to students from diverse backgrounds, including those from underrepresented groups. The inaugural cohort of five interns worked on a variety of projects to improve methods to derive meaning from free text clinical data, explore whether different modes of gene expression occur within a tumor, characterize elements of cells that control genetic expression, use AI to predict progression of eye disease, and understand bias in machine learning.

RESPONDING TO THE CORONAVIRUS (COVID–19)

NLM has continued to support the response to the COVID–19 pandemic through the SARS-CoV–2 Sequencing for Public Health Emergency Response, Epidemiology, and Surveillance (SPHERES) consortium. NLM's involvement resulted in improved SARS-CoV–2 data submission and validation processes, enhanced graphic interfaces for data retrieval, coordinated U.S. efforts to provide publicly accessible SARS-CoV–2 data via GenBank and SRA, and support for the mpox public health emergency response with the creation of a reference genome sequence as a template for submissions. NLM continued to participate in the NIH Accelerating COVID–19 Therapeutic Interventions and Vaccines (ACTIV) Tracking Resistance and Coronavirus Evolution (TRACE) initiative to develop processes and infrastructure to monitor and evaluate emerging SARS-CoV–2 variants, and to standardize, gather, and share variant sequencing data. In FY 2022, as part of its engagement in ACTIV TRACE, NLM refined data processing and analysis methods, and provided results in a format that supports findability of data records and large-scale analysis.

SUPPORTING BIOMEDICAL INFORMATICS RESEARCH AND HEALTH INFORMATION TECHNOLOGY INNOVATION

NLM conducts and supports informatics research, training and the application of advanced computing and informatics to biomedical research and healthcare delivery. NLM's National Center for Biotechnology Information (NCBI) focuses on genomics and biological data banks, and the Lister Hill National Center for Biomedical Communications (LHC), is a leader in clinical information analytics and standards. Many of today's biomedical informatics leaders are graduates of NLM-funded informatics research programs at universities nationwide. A number of the country's exemplary electronic and personal health record systems benefit from findings developed with NLM grant support. A leader in supporting the development, maintenance, and dissemination of standard clinical terminologies, NLM partners with the Office of the National Coordinator for Health Information Technology to support the interoperability of EHRs. NLM also develops tools to make it easier for EHR developers and users to implement accepted health data standards and link to relevant patient education materials. In FY 2022, NLM funded 208 awards across the country, including 28 co-funded with other NIH Institutes, Centers, and Offices. NLM-funded researchers develop methods to improve access, storage, retrieval, management, dissemination, and use of biomedical data and information to support discovery and decision-making. Active NLM-supported projects develop and test health IT solutions that support clinical care and patient self-management, employ computational approaches and tools to interpret and analyze health records, and develop new AI and machine learning tools and approaches.

CLOSING THE GAP IN HEALTH DISPARITIES

The National Library of Medicine supports NIH's efforts to close the gap in health disparities and improve the diversity of the biomedical information science workforce. Their work supports our mission and core values to make MLA and AAHSL more diverse and inclusive organizations. NLM accomplishes this by:

- Providing open access to scientific literature through PubMed and PubMed Central make scientific literature accessible, leading to biological discoveries and providing the foundation to developing clinical guidelines that inform health care. Resources include PubMed Special Query for Health Disparities and Minority Health Information Resources.
- Utilizing the Network of the National Library of Medicine to provide equal access to biomedical information and improves the public's access to information. NNLM supports events including the recent DEI webinar series "Nine Conversations that Matter to Health Sciences Librarians" as well as NNLM Reading Clubs on Disability Health, LGBTQ Health, Racism and Health and Diversity in Medicine.
- Funding grant programs that support research to advance health equity and grants to reduce health disparities research supplements to promote diversity in health research and leveraging health information technology to address minority health and health disparities.
- Raising awareness and sparking conversations about the intersection of society and ethical considerations in biomedical research and technology through the annual NLM Science, Technology, and Society lecture series.

The NLM Information Resource Grants to Reduce Health Disparities support projects that bring useful and understandable health information to populations affected by health disparities and to their health care providers. In FY 2022, NLM awarded two grants to develop: 1) an online guide for people in rural Georgia living with and managing autism spectrum disorder, as well as resources for physicians, and 2) a combination digital resource and training program for Afghan and Syrian refugees to improve reproductive health literacy. The NLM Grants for Scholarly Works in Biomedicine and Health supports the development of monographs and books by health professionals, public health officials, biomedical researchers, and health science historians. In FY 2022, NLM awarded three grants for scholarly works about: 1) the history of health care in U.S. prisons, 2) a comparative study of medical examiner and coroner offices in the United States, and 3) the role of statistics and statisticians in modern medicine.

We look forward to continuing this dialogue and thank you for your efforts to support funding of at least \$521 million for NLM in FY24, with additional increases in future years.

[This statement was submitted by Mary M. Langman, Director, Information Issues and Policy, Medical Library Association.]

PREPARED STATEMENT OF THE METLAKATLA INDIAN COMMUNITY

Recommendations:

- 1) Support increased overall funding and advance appropriations for the Bureau of Indian Affairs (BIA)
- 2) Provide full funding and continued advance appropriations for the Indian Health Service (IHS)
- 3) Fund critical infrastructure investments for the Indian health system (IHS)
- 4) Ensure mandatory funding for Contract Support Costs and 105(l) lease payments
- 5) Amend Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify CSC provisions
- 6) Increase funding and authorize a self-governance funding mechanism option for the Special Diabetes Program for Indians (IHS)
- 7) Support for Tribal Hatcheries at the Bureau of Indian Affairs (BIA)
- 8) Support for U.S. Canada Pacific Salmon Treaty (BIA)
- 9) Support for Tribal Court Assistance for Tribes subject to PL 83-280 (BIA)
- 10) Support funding to address the impacts of climate change (BIA)
- 11) Continue increases for Native language programs (BIA)

12) Reduce dependence on competitive grants for Indian Country (all agencies)

Thank you Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee for the opportunity to share our funding priorities for the FY 2024 Federal budget. The Metlakatla Indian Community (MIC) is located on the Annette Islands Reserve in southeast Alaska, a land base of 87,000 acres which includes significant fish and forestry resources. Through our Annette Island Service Unit we provide primary health services at our outpatient facility through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under ISDEAA. The following testimony provides recommendations on FY 2024 BIA and IHS priorities.

INCREASED FUNDING AND ADVANCE APPROPRIATIONS FOR THE BIA

In FY 2024, we recommend a substantial increase for the Operation of Indian Programs at the BIA. This base funding is critical in the functioning of our government and our survival as a Tribal Nation. As noted by the National Congress of American Indians "Tribal nations are resilient and have demonstrated their resolve and dedication since time immemorial, yet are uniquely reliant on their Federal partner to fulfill the promises made in exchange for the land that created the foundation of the United States." These funds are essential as they provide for social services, law enforcement, court services, child care services, public health and safety, and other essential government functions.

Unfortunately, year after year, we experience large funding shortfalls across all BIA-funded programs, causing government services in our community to constantly depend on an inconsistent patchwork of Federal funding. For example, we have been forced to choose between meeting water quality standards or providing scholarships to our students. In some cases, these shortfalls force us to cut services altogether. The programs that have been impacted are realty, higher education, Tribal scholarships, social services, and limiting services from the fire department.

Additionally, we request that BIA appropriations be funded on an advance appropriations cycle. It has sadly become the norm that the Tribe does not receive its full yearly appropriation until several months (sometimes longer) after the start of the fiscal year. These funding delays make it impossible for the Tribe to plan and manage their annual budgets. Congress recognized these challenges when it provided the Veterans Administration with advance appropriations over a decade ago and then last year in a historic step, finally provided advance appropriations for key IHS accounts. However, when it comes to our critical BIA accounts, Tribes still remain vulnerable while awaiting funding. The practical implication of this is that the Tribe does not have the ability to plan our finances even weeks ahead due to the uncertainty as to the level of funding. It is nearly impossible to Tribes to plan, grow, or achieve self-sufficiency. Advance appropriations for the BIA would lead to better stability for Tribal self-governance, reduce dependence on uncertain grant funding, and improve practices over all.

IMPROVING THE INDIAN HEALTH SYSTEM

Full Funding for the IHS: Appropriations are essential to this effort and in fulfilling the Federal Government's trust and treaty obligations by ensuring critical programs and services receive adequate funding to fulfill their intended purpose. We support the IHS Tribal Budget Formulation Workgroup calculated need of \$51.4 billion for full funding in FY 2024.

Continuing Advance Appropriations for the IHS: For many years, Tribes have requested that the IHS be funded on an advance appropriations cycle, a position championed by the Biden Administration and many on this subcommittee. In the FY 2023 Consolidated Appropriations Act, Congress in a historic move, finally provided advance appropriations for the IHS for FY 2024. We thank this subcommittee for your decisive leadership of this effort and applaud the 117th Congress for supporting this. Going forward, we urge the subcommittee to take the necessary steps to continue advance appropriations for the IHS for FY 2025 and beyond.

Fully Fund Critical Infrastructure Investments: We would like to thank the subcommittee for funding Electronic Health Record modernization at \$217 million for FY 2023, which was an increase of \$72.5 million (50%) over FY 2022. For FY 2024, we ask that the subcommittee continue robust funding for full implementation of interoperable Electronic Health Records (EHR) and tele-health. This will ensure that IHS can provide services that are similar to other health providers. For Tribes and Tribal health organizations who have committed their own resources to move away from RPMS and making their systems functional, IHS should take this into consideration with any new resources and ensure these programs are not only interoperable, but compensated accordingly. We were thrilled to see that the Sanitation Facilities Construction program received \$3.5 billion in appropriations in the Infra-

structure Investment and Jobs Act (Public Law 117–58). That said, it is critical that Congress make still significant investments in Tribal health facilities construction. IHS and Tribal facilities are some of the oldest in the Nation, meaning that facilities are out of date, or not appropriate for the size of the patient populations they serve. Therefore, consistent with the Budget Formulation Workgroup’s request, we recommend \$9.6 billion for Facilities in FY 2024.

Mandatory Funding for Contract Support Costs and 105(l) Lease Payments: We appreciate the subcommittee’s commitment to ensuring that Contract Support Costs (CSC) and 105(l) lease costs are fully funded by including an indefinite discretionary appropriation in recent years for both of these accounts. We support the Biden Administration’s request to transition these accounts to mandatory funding. This change would bring appropriations process into line with the clear legal requirements of the authorizing statute. CSC and 105(l) lease funds are already an entitlement under substantive law for the ISDEAA to function as intended by Congress. It is contradictory and problematic to appropriate funding for CSC on a discretionary basis. A simple amendment to a permanent appropriations statute could solve this challenge.

Amend Indian Self-Determination and Education Assistance Act to Clarify CSC Provisions: We also request that the committee consider amending the Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify that when agency funding paid to a Tribe for program operations is insufficient for contract and compact administration, contract support costs will remain available to cover the difference. In the recent court decision *Cook Inlet Tribal Council, Inc. v. Dotomain*, a Federal appeals court held that costs for activities normally carried out by IHS are ineligible for payment as CSC—even if IHS transfers insufficient, or even no, funding for these activities in the Secretarial amount. Under this new ruling, if facility costs are higher for a Tribe than for IHS, the Tribe is forced to cover the difference by diverting scarce program dollars. Recently, this serious misinterpretation of the ISDEAA that has been applied to one Tribal organization resulting in a 90% reduction of contract support costs reimbursement threatens Tribal self-governance and self-determination. Therefore, we call upon Congress to provide a legislative fix to clarify the intent on Congress for this matter, and ensure consistency with precedent.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and Increase Funding to \$250 million/year: While we understand that SDPI is not under the jurisdiction of the subcommittee, we appreciate that Congress included a 3-year reauthorization of SDPI in the Consolidated Appropriations Act, 2021 (Public Law 116–260). SDPI’s success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Congress should authorize SDPI participants the option of receiving their Federal funds through either a grant (as currently used) or self-governance funding mechanisms under ISDEAA. Additionally, SDPI has not had an increase in funding since FY 2004. We recommend permanent reauthorization for SDPI at a minimum of \$250 million per year with annual adjustments for inflationary increases.

Tribal Hatcheries: We deeply appreciate the \$1 million increase for the operation of fish hatcheries in the Fish, Wildlife, and Parks sub-activity within the BIA Trust-Natural Resources Management budget in FY 2023 and are asking the subcommittees to continue increased funding levels FY 2024.

U.S./Canada Pacific Salmon Treaty: Pacific salmon migrate through a broad geographic range that includes rivers, streams and the coastal waters of both the United States and Canada. Recognizing this reality, the Pacific Salmon Treaty was negotiated between the U.S. and Canada in 1985 to prevent overfishing and provide optimum production and fair sharing of the salmon harvest. In the U.S., salmon fisheries governed by the Treaty provide nearly 27,000 full time jobs and add nearly \$2 billion annually to the gross domestic product. Funding to carry out different elements of the Treaty is appropriated through the Departments of Interior, State and Commerce. In the Department of Interior’s budget, this funding is appropriated through the BIA Trust-Natural Resources Rights Protection Implementation sub-activity and the U.S. Fish and Wildlife Service’s Pacific Marine Fisheries Commission. We thank the subcommittee for your continued support for this program in FY 2023, including the \$3.5 million increase for Rights Protection Implementation, and encourage further investments in FY 2024.

Tribal Court Assistance for Tribes Subject to PL 83–280: We appreciate the much-needed support for Tribes who are affected by Public Law 83–280 and who are striving to serve our communities with competent and appropriate judiciary systems. Specifically, under the BIA Public Safety and Justice Law Enforcement-Tribal Justice Support program element we appreciate the helpful report language continued from the FY 2021 Senate Appropriations Committee report (116–123) that outlined

additional support for BIA to work with “Indian Tribes and Tribal organizations to consider options that promote, design, or pilot Tribal court systems for Tribal communities subject to full or partial State jurisdiction under Public Law 83–280.” We also appreciate the \$2 million increase for this program in FY 2023 and ask that in FY 2024, the subcommittees continue to include PL 280-specific funding under this program element and continue to reference the Senate Appropriations Committee report (116–123).

Increased Funding to Address the Impacts of Climate Change: Like many Tribal communities we continue to be impacted by the growing challenge of climate change on our environment. Threats such as flooding, erosion, sea level rise, ocean acidification, increased wildfires, extended drought, and changes in seasons all contribute to the serious challenges that Tribal communities currently face. We are forced to reduce emissions, mitigate and adapt, but to be successful we need additional support. We appreciate the \$216 million provided to the BIA through the Infrastructure Investment and Jobs Act (Public Law 117–58). We also appreciate the subcommittee’s inclusion of \$34.9 million for Tribal Climate Resilience in FY 2023 appropriations, but request significantly more investment in this account, specifically to implement mitigation actions identified through Climate Resilience plans. Tribal Nations throughout the United States, and especially in Alaska, are increasingly impacted by the threats of climate change.

Continue Increases for Native Language Programs: As we have seen in the news everyday, through wars, plague, famine, and climate change, our health and wellbeing is under threat from many directions. While we urgently need the Federal Government to support our efforts to face these often existential challenges, there is also an invisible threat lurking all around us. Honorable Members of this subcommittee, the heritage language of my people is dying. Those in academia refer to the Tsimshian language as “critically endangered.” Just as our ocean coastline is eroding away, so too is the Sm’algyax, the Tsimshian language. There are only a few dozen speakers remaining in the entire world. We must impart the grave seriousness to every Member of this subcommittee. With permanent reoccurring annual funding as part of our compact, we can, in partnership with Congress, meet this challenge, and hold back the coming storm. We would like to thank to the subcommittee for the \$2 million increase to the Community Development Central Oversight sub-activity under the Community and Economic Development activity directed towards supporting Native language instruction and immersion programs to Native students not enrolled at Bureau of Indian Education schools, including those Tribes and organizations in States without Bureau-funded schools.

Reduce Dependence on Federal Grants: In addition to the critical funding needs that are outlined above, we also support moving away from competitive grants for Federal funding mechanisms across all departments. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications and compete against other Tribes to see that services are provided to our people. Tribes must also be granted the flexibility needed to respond to the specific needs of our own communities, not those prescribed by Federal grants. This also means providing enough resources so that funds are provided in meaningful amounts to all Tribes.

[This statement was submitted by David R. Boxley, Councilmember and Chairman of the Finance Committee for the Metlakatla Indian Community.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

My name is Benny McCament and I serve as the Chief of the Ohio Department of Natural Resources Division of Mineral Resources Management. I am providing this statement on behalf of the National Association of Abandoned Mine Land Programs (NAAML), for which I currently serve as President. NAAML represents 32 States and Tribes, of which 27 implement abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA), and many implement state level programs for hardrock AML. My office’s address is 29371 Wheelabout Road, McArthur OH 45651 and my office phone number is (740) 274–4947. My email is Benny.Mccament@dnr.ohio.gov.

State and Tribal Hardrock AML Grants NAAML represents many States and Tribes with significant hardrock and noncoal AML problems (“hardrock AML” hereafter). Hardrock AML threatens and damages the health and safety, environment, and economic vitality of impacted communities throughout the Country, especially in the West, but in every other region as well. There is no comprehensive accounting of the National hardrock AML problem at this time, but it is often cited in the tens

of billions of dollars. In the absence of a steady hardrock AML funding source, State and Tribal hardrock AML programs struggle to maintain adequate funding and make consistent progress, and many States and Tribes with hardrock AML problems have no state/Tribal level program at all.

The \$3 billion funding authorization for hardrock AML grants (\$1.5 billion for States and Tribes) in Section 40704 of the Infrastructure Investment and Jobs Act (IIJA) is a very exciting development, despite the funding not yet being appropriated on the scale authorized. The \$1.7m in funding for States and \$400k for Tribes appropriated in FY 2022 and 2023 for the energy community revitalization program (ECRP) is an encouraging start but is not enough to go around or to make meaningful progress addressing hardrock AML problems. We urge Congress to appropriate the amount authorized for hardrock AML by the IIJA at a rate of \$300m per year.

NAAML and IMCC have been working closely with DOI's Office of Environmental Policy and Compliance (OEPC) since the passage of the IIJA. We convened a group of 40+ States and Tribes to provide input to OEPC on how the new grants program should work. We believe a good plan has been developed, based on the amount of funding available, and appreciate OEPC's willingness to take state/Tribal input. These plans include a new national hardrock AML inventory being developed by USGS with State and Tribal input, which will eventually provide Congress with a nationwide picture of the scope and cost of the hardrock AML problem. It will take a significant amount of time and resources for this inventory to be fully developed.

Congress does not need to wait for the inventory to be completed before increasing hardrock AML funding. The States and Tribes already know where the most dangerous safety and environmental problems exist. The know-how, planning, and will are already in place for States and Tribes to deliver immediate and ongoing benefits to communities in virtually every State.

IIJA Coal AML Funding Implementation The infusion of much-needed funding for coal AML in the IIJA has ushered in a new, re-invigorated era for coal AML work. We thank Congress for recognizing the critical role the AML programs play in health and safety, environmental restoration, and the creation of jobs and economic growth. These benefits are appreciated throughout the Country, especially in places like Appalachia that are most affected by the energy transition. We also thank Congress for the passage of the STREAM Act at the end of last year, which ensures the gains enabled by the IIJA for AML water restoration will be lasting.

We have been working closely with our sister organization, the Interstate Mining Compact Commission (IMCC), as well as our Federal partners at the Office of Surface Mining Reclamation and Enforcement (OSMRE) on implementing the new AML funding. We are confident the program will be successful in delivering the many benefits Congress envisions. However, implementation of the IIJA coal AML funding has met with challenges. While some progress is being made in addressing them, we believe that Congressional oversight would be helpful to ensuring the new funding is implemented in the best way possible.

The States and Tribes have primacy under SCMRA and are on the forefront of implementation of the new IIJA funding—but we have found OSMRE's willingness to collaborate with and accept the input of the States and Tribes on IIJA implementation to be lacking. We have repeatedly and in a variety of ways communicated our concerns to OSMRE and DOI leadership. We recently held a Roundtable meeting with OSMRE at DOI headquarters in attempt to improve the working relationship between the agency and the States and Tribes. This meeting was a promising step forward and led to a breakthrough for collaboration on a particular aspect of IIJA implementation. However, the majority of OSMRE's IIJA implementation plans currently remain unchanged.

The changes OSMRE plans for the AML program are generally burdensome, reflect misunderstanding of how State and Tribal AML programs operate, and will ultimately be detrimental to the program and the AML-impacted communities that rely on it. For example, OSMRE is requiring entirely separate grant applications for the new IIJA treasury-sourced funding and pre-existing AML fee-based funding, despite the fact that the funding is for the same programs and purposes and could easily be tracked separately without separate applications. OSMRE reportedly plans to hire roughly 70 new staff to help it implement its new, unnecessary grant application and reporting processes. Congress should seek to "right-size" OSMRE's budget to give the agency the personnel it needs to efficiently oversee and manage the AML program but not allow it to over-manage and smother the program with bureaucracy.

The State and Tribal AML programs have long been committed to preventing fraud, waste, and abuse, which is evidenced by the more than 45-year history of the program absent any such issues. The unfortunate irony is that OSMRE's new requirements will themselves result in waste by diverting State and Tribal AML staff

time and energy toward unnecessary, disproportionate administrative requirements and away from their core mission of planning and conducting AML projects. State and Tribal AML programs have no staff time to spare on non-essential activities. The bottom-line is that, for the IIJA-funded AML program to be maximally successful, Congressional oversight would be useful to encourage OSMRE to listen to the States and Tribes that implement these programs on the ground and retain as much as possible the existing processes for the well-established, reasonably efficient, and highly successful AML program. OSMRE's current plans for its training programs are another particular concern.

OSMRE's current plans for the training program are not adequate to provide for the the upcoming influx of new State and Tribal AML personnel, which is necessary for the State and Tribal AML programs to utilize the greatly increased funding provided by the IIJA. The demands of implementing the increased funding will also mean that the training program will not be able to rely on volunteer trainers from State agencies as it currently does. We recommend Congress increase NTTP/TIPS funding and consider report language to encourage OSMRE to hire full-time, paid instructors for the training program.

OSMRE's current plans for the inventory funding provided by the IIJA is another cause for concern. IIJA section 40701(g) made \$25 million available "to provide States and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to the inventory maintained under section 403(C) of [SMCRA]". We believe the intent for this funding was that all of it be delivered to the States and Tribes to supplement their efforts to visit, catalogue, and assess AML problem areas so that a more complete inventory of coal AML problems can be achieved. However, we understand that OSMRE intends to distribute only \$8 million to the States and Tribes and keep the rest for cyber-security related and other upgrades to the inventory database known as e-AMLIS. We believe that these kinds of updates to e-AMLIS should be funded out of OSMRE's budget and not from funding set aside for States and Tribes' inventorying work.

SMCRA Title IV Coal AML We encourage Congress to maintain OSMRE funding for SMCRA Title IV purposes that serves the agency's role of supporting State and Tribal AML programs. For example, we recommend continued funding for technical assistance and applied science. We also recommend continued funding for the NTTP and TIPS programs, including moneys for State and Tribal travel. These initiatives provide essential training, continuing education, and technical assistance for State and Tribal AML personnel.

We also recommend funding for Watershed Cooperative Agreements be maintained. This funding serves an important role in facilitating State and local partnerships, thereby helping to leverage outside sources of funding and preserve precious reclamation grant funding.

AMLER The States are proud of the projects they have conducted through the Abandoned Mine Land Economic Revitalization (AMLER) program (formerly known as the "pilot program"), which look for creative ways to turn AML sites into opportunities for economic development. We request that funding in the amount of \$135 million continue. However, we remain concerned with implementation of the AMLER program, which has been impeded by the same kind of untenable administrative processes and lack of respect for state primacy described above.

The AMLER program suffers most of all from the "vetting" process, in which, despite not being anticipated in the law, OSMRE reviews and approves or denies every potential AMLER project before they have been fully planned. Poor communication and opaque vetting standards have led to paralyzing delays and uncertainty and a disproportionate amount of AML program staff time being devoted to this program. Meanwhile, OSMRE's review in the vetting process adds little if any value to AMLER project outcomes. The process involves slow, unproductive back-and-forth regarding project details and administrative concerns and often amounts to OSMRE asserting its own opinions on how best to approach AMLER projects in place of the States and Tribes' better, more locally-informed expertise. This is not how the AMLER program was meant to work.

The vetting process has also become increasingly untenable for the States' project partners, whose cooperation is essential. Local businesses and community groups find it difficult to navigate the process or receive reasonable assurance that their projects will succeed if they do things right. For example, a proposed AMLER project that would have built affordable housing in an economically depressed coal community in Virginia was caught up in the OSMRE vetting process for over 1,200 days with virtually no communication until the project proponents withdrew due to their understandable frustration.

We ask that Congress conduct oversight of the AMLER program and consider how to alleviate these problems. Stronger report language encouraging clearer vetting

standards and better deference to State programs would be welcome. However, we believe report language is not enough to resolve the issues at hand and that a deeper change is necessary.

We recommend OSMRE be directed to distribute AMLER funding directly to eligible State and Tribal Programs for deposit into State and Tribal accounts within 60 days. This would return the AMLER program to the way we believe Congress originally intended for it to operate, in which projects would be chosen and developed by States and Tribes in consultation with their economic development agencies and local stakeholders without unnecessary, unproductive involvement by OSMRE through vetting. The oversight and reporting processes already in place in the AML program will be more than enough to ensure funding is spent transparently and in the proper way as Congress envisions. The bottom-line is that this approach would yield more, faster, and better health, safety, environmental, and economic benefits from the AMLER program.

CONCLUSION

In closing, the States and Tribes represented by NAAMLPL again express our gratitude to Congress for the recognition of the value of the AML programs, both coal and hardrock, and the investment in their future represented by the IIJA. We look forward to beginning this new chapter for coal AML and are thrilled to be moving toward a national-scale hardrock AML grants program as well. With Congress' continuing attentiveness to AML implementation issues, we feel confident that continued success of the State and Tribal AML programs can be assured.

Statement of Benny McCament, Chief, Division of Mineral Resources Management, Ohio Department of Natural Resources, on Behalf of the National Association of Abandoned Mine Land Programs re. the FY 2024 Proposed Budgets for the Office of Surface Mining Reclamation and Enforcement and Energy Community Revitalization Program before the Interior, Environment, and Related Agencies subcommittee of the Senate Appropriations Committee—May 24, 2023.

[This statement was submitted by Benny McCament, Chief, Division of Mineral Resources Management, Ohio Department of Natural Resources.]

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

The National Association of Clean Water Agencies (NACWA) represents over 350 public wastewater and stormwater utility members nationwide, who collectively provide essential clean water services to more than 150 million Americans daily. These utilities serve communities both large and small, urban and rural, in nearly every State and work around the clock to protect public health and the environment and support economic growth.

Providing these essential clean water services comes with a great deal of complex challenges including reinvesting in aging infrastructure, managing escalating operation and maintenance costs and supply chain disruptions, attracting and retaining a skilled workforce, addressing water quality impairments and regulations such as for per- and polyfluoroalkyl substances (PFAS), emerging contaminants, and nutrients, and investing in climate resilience and system security. Public clean water utilities are working each day to overcome these challenges and provide the highest level of service to the communities they serve while ensuring rates remain affordable for families and local businesses.

NACWA greatly appreciates the direct appropriations provided for clean water by Congress under the Infrastructure Investment and Jobs Act (IIJA). Other programs were authorized but not directly or fully funded through IIJA itself. It is important that Congress fully appropriate the clean water programs authorized and reauthorized under the IIJA to ensure local communities have the complete resources they need to provide essential public wastewater and stormwater services.

Below are NACWA's FY24 Appropriations requests. As always, NACWA appreciates the subcommittee's strong engagement and collaboration with the Association and our members and consideration of these clean water priorities.

CLEAN WATER STATE REVOLVING FUND (CWSRF)

The CWSRF is the primary Federal clean water financing tool that communities and public clean water utilities utilize to help meet their Clean Water Act (CWA) obligations and infrastructure needs. The CWSRF has been instrumental to communities' successes in advancing water quality and public health protection. While the IIJA provided a 5-year infusion of additional funds into the CWSRF, NACWA knows

that it was clearly the intent of Congress for these funds to supplement—not supplant—continued robust annual CWSRF appropriations. NACWA supports annual CWSRF funding at the full IIJA authorized level of \$3 billion for FY24.

Additionally, NACWA members who benefited from Congressionally Directed Spending greatly appreciate the direct funding provided them through the FY23 Omnibus Appropriations. But as the Committee considers Congressionally Directed Spending moving forward, NACWA requests that funding for these projects not be taken from the CWSRF's annual appropriation. This will help ensure that communities who secured Congressionally Directed spending for their projects are funded without reducing access to the CWSRF by all eligible communities in a State, and will protect the revolving funds' long-term viability.

Lastly, NACWA wishes to emphasize that innovative technology will play a vital role in ensuring public clean water utilities are able to continue efficiently and cost-effectively providing the highest level of safe, sustainable wastewater and stormwater services for their residents. NACWA appreciates the work of the subcommittee in the FY23 Omnibus Appropriations package to enhance the use of clean water technology and looks forward to building on the role of innovative technology in FY24.

NACWA requests that the Committee include language prioritizing eligibilities for technological innovation through the CWSRF by allowing States the ability to use up to five percent of the funds provided to them for projects that utilize proven or emerging clean water technology for publicly owned treatment works optimization and to meet or enhance local public health and environmental objectives.

SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS

Reducing sewer overflows has been a key driver of financial strain on many communities and their ratepayers. This is especially clear in communities under Federal consent decrees, addressing aging infrastructure, and/or adjusting to population and economic shifts, all while dealing with the growing impacts of climate change and extreme weather events.

The Sewer Overflow and Stormwater Reuse Municipal Grants program provides grant dollars that can assist municipal clean water utilities and communities in more affordably managing combined sewer overflows, sanitary sewer overflows, and capturing stormwater flows for water reuse. NACWA strongly supports this key program which provides communities with direct grant dollars (as opposed to loans) to make these critical investments and supports full funding of the reauthorized level of \$280 million in FY24.

LOW-INCOME WATER ASSISTANCE

NACWA has long supported the creation of a Federal low-income water assistance program to assist households in maintaining access to affordable and reliable public clean and drinking water services. Similar Federal programs exist to help low-income households with food and energy costs, and the time has come for water to be equally recognized as a costly but vital public health need. A robust and permanent Federal water assistance program is critical to ensuring communities and public utilities can provide service to all customers while also being able to charge the rates necessary to maintain safe, reliable water and wastewater systems.

NACWA is grateful for the steps Congress has taken to advance this important need by providing funding for a temporary emergency Low Income Household Water Assistance Program (LIHWAP) administered by the U.S. Department of Health and Human Services (HHS), as well as authorizing the establishment of an EPA low-income water customer assistance pilot program in the IIJA.

However, HHS' LIHWAP funding is set to expire at the end of 2023, potentially leaving many struggling families in a position to not be able to afford their essential water services. Additional resources are needed to bridge this gap and ensure long-term viability of a permanent low-income water assistance program, and NACWA requests the Committee provide \$225 million in FY24 for EPA to implement its pilot program.

INTEGRATED PLANNING

Integrated Planning (IP), codified into the CWA by Congress in 2018, can assist both large and small communities in managing costs and sequencing and prioritizing their clean water investments-empowering communities to maximize environmental benefits and prioritize their most critical environmental outcomes. The IP approach requires a shift from business as usual, requiring significant work upfront by communities, States, and EPA to achieve improved outcomes.

NACWA greatly appreciates the \$2 million provided by the Committee in the FY23 Omnibus Appropriations package to provide EPA with dedicated resources to help communities develop IP frameworks. The Agency is working with state regulators to incorporate IP approaches into permitting and enforcement, a critical step. NACWA requests an additional \$2 million in FY24 appropriations to continue these efforts.

WATER WORKFORCE INFRASTRUCTURE GRANTS PROGRAM

The public clean water sector can provide stable career paths across skill levels where workers can take pride in serving their community. However, the water utility workforce is retiring rapidly, and public utilities are struggling more than ever to compete with other sectors for workers.

NACWA strongly supports EPA's Water Workforce Infrastructure Development Grant Program and requests that FY24 funding is provided at, or higher than, the FY23 level of \$6 million. This funding will support innovative efforts to develop tomorrow's utility workforce and ensure long-term stability in the sector.

WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) PROGRAM

The WIFIA program is a complement to the SRFs, accelerating significant water infrastructure investments and leveraging limited Federal resources. NACWA supports funding equal to the FY23 appropriated amount of \$75.6 million in FY24. NACWA also supports an additional \$5 million for the SWIFIA program, which allows state financing authorities that administer the SRFs to apply for WIFIA loans directly through EPA. This ability of a State to bundle multiple projects on its approved intended use plan can increase participation in smaller, rural, and lesser-resourced communities.

CLEAN WATER INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM

NACWA is strongly supportive of this program that was established under the IIJA to help clean water utilities that are on the front lines of mitigating the impacts of climate change and wet weather events. Communities vary with regard to how climate change is impacting their utility systems and are trying to implement locally-appropriate solutions that ensure resilience for critical water services. NACWA requests the fully authorized amount of \$25 million in FY24 to jumpstart this program.

PFAS

Clean water utilities are very concerned about the presence of emerging contaminants in their influent, the impacts these chemicals have on their treated effluent and biosolids, and the potential costs that may accrue to public ratepayers. NACWA urges funding for EPA to advance its work to better develop a scientific understanding of PFAS in the environment—particularly exposure pathways, toxicity levels, and treatment technologies—to guide the development of appropriate, scientific, risk-based standards that protect public health and the environment. This work can also help advance source control and the transition from PFAS in products and supply chains to alternative materials. It is vital that EPA get the science right and determine actual risk levels from PFAS to human health before moving too quickly on regulatory requirements that could impose significant costs on public clean water utilities and the communities they serve.

As a key part of this, NACWA urges Congress to provide dedicated funding to bolster EPA's Biosolids Program, which regulates the beneficial reuse of wastewater treatment residuals. EPA's ongoing work on the problem formulation for biosolids is critical to providing certainty regarding continued safe residuals management.

NACWA strongly supported the \$1 billion in appropriations under the IIJA for clean water utilities to address emerging contaminants such as PFAS. However, since these funds are flowing through the CWSRF there have been challenges to getting these funding plans approved and funds disbursed quickly. Some of the most immediate costs clean water utilities are facing is to proactively understand and limit PFAS in their systems through monitoring, analysis, and implementing pretreatment programs in conjunction with industries to reduce concentrated PFAS discharges into public sewer systems. However, these important steps are not necessarily eligible uses for IIJA funds as those dollars are coming through the CWSRF, which is focused on capital investments.

NACWA has been working to identify potential near-term clean water utility uses of the IIJA PFAS funds that align with the CWSRF eligibilities and providing EPA and our members with recommendations. However, Congressional clarity from the

Committee that these ILJA CWSRF emerging contaminant funds can be used for PFAS monitoring and assessment work would be an important step to ensure the funds are put to their best possible use, meeting timely clean water PFAS needs. Clarifying language will support the work public clean water agencies are doing to understand and control PFAS before they enter the utility system or are released to the environment.

ADDITIONAL KEY PROGRAMS

NACWA also supports increased funding for EPA's Geographic Programs, which support critical watershed-based investments; Section 319 Nonpoint Source grants that support watershed solutions to pollution driven by nonpoint sources, which remain the largest outstanding driver of water quality impairments; and for EPA's National Priorities Water Research grant program which supports work on timely national water research priorities.

[This statement was submitted by NACWA Director of Legislative Affairs, Jason Isakovic, jisakovic@nacwa.org.]

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to provide testimony on the FY 2024 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 has four recommendations with respect to FY 2024 appropriations. The association urges Congress to 1) provide \$500 million in grants to State and local air agencies, which is an increase of \$251 million over the FY 2023 appropriation of \$249 million and \$100 million above the Administration's request; 2) provide flexibility to State and local air quality agencies to use Federal grants to address the highest priority programs in their areas; 3) retain grants for monitoring fine particulate matter (PM_{2.5}) under the authority of Section 103 of the Clean Air Act, rather than shifting it to Section 105; and 4) provide grant increases under authorities of the CAA that do not require matching funds (e.g., Section 103) as much as possible to allow agencies that do not have sufficient matching funds to still obtain the additional grants.

NACAA is the National, non-partisan, non-profit association of air pollution control agencies in 40 States, including 117 local air agencies, the District of Columbia and five territories. NACAA exists to advance the equitable protection of clean air and public health for all, and to improve the capability and effectiveness of State and local air agencies. These agencies have the "primary responsibility" under the CAA for implementing our Nation's clean air programs. As such, they conduct an array of critical activities intended to improve and maintain air quality and protect public health.

AIR POLLUTION POSES SERIOUS PUBLIC HEALTH PROBLEMS

Overall, very few problems this subcommittee addresses pose greater threats to public health than air pollution and climate change. Air quality programs under the CAA have greatly reduced air pollution while, at the same time, our country has continued to experience strong economic growth.¹ However, air pollution continues to threaten public health and welfare, especially in overburdened environmental justice communities that disproportionately suffer adverse human health and environmental impacts.

Every year tens of thousands of Americans die prematurely from air pollution and millions are exposed to unhealthful levels of air contaminants, resulting in cancer, damage to respiratory, cardiovascular, neurological and reproductive systems and other health problems.² In 2021, approximately 30 percent of the U.S. population—about 102 million people—lived in areas that exceeded one or more Federal health-based air pollution standards.³ Additionally, EPA's most recent hazardous air pollution data show that "millions of people live in areas where air toxics pose potential health concerns."⁴ Environmental justice communities are particularly at risk.

¹ <https://www.epa.gov/air-trends/air-quality-national-summary>

² <https://www.epa.gov/clean-air-act-overview/air-pollution-current-and-future-challenges>

³ <https://www.epa.gov/air-trends/air-quality-national-summary>

⁴ https://www.epa.gov/system/files/documents/2023-02/AirToxScreen_2018%20TSD.pdf (page 113)

With respect to climate change, there is much work to be done to address increasing greenhouse gas emissions that result in more and worse wildfires, longer ozone seasons and upward-trending global temperatures. State and local governments have led the way by instituting some of our Nation's strongest climate change programs, making meaningful progress towards reducing greenhouse gases. It is essential that these and other programs be well funded.

STATE AND LOCAL AIR AGENCIES CONTINUE TO BE UNDERFUNDED

Under the CAA, State and local agencies have the primary responsibility for implementing the Federal clean air program. This massive undertaking calls for monitoring, issuing permits, planning, developing emission-reduction strategies, enforcing rules, educating the public, hiring and training staff and conducting many other complex activities. Increasingly, these agencies are tasked with new and high-priority responsibilities to reduce air pollution, address the disproportionate harm facing overburdened communities and tackle climate change. Unfortunately, this simply cannot be accomplished with current levels of funding.

State and local air agencies have been underfunded for many years. Federal grants to State and local air quality agencies (under Sections 103 and 105 of the CAA) were not much higher in FY 2023 than they were 20 years ago, representing a substantial decrease in purchasing power when factoring in inflation. During this time, air quality issues have become more and more complicated and costly. Moreover, while Federal grants were originally intended to cover 60 percent of the cost of implementing the CAA, they cover less than a quarter of that today, with the remainder coming largely from State and local programs themselves.

FUNDS FROM RECENT LEGISLATION AND PERMIT FEES ARE NOT THE ANSWER

On August 12, 2022, Congress passed the Inflation Reduction Act (IRA),⁵ which includes essential and welcome funding for State and local air agencies to address climate change in particular. However, the IRA funds are not a substitute for the increases NACAA recommends, the latter of which are intended to make up for the historical deficits in State and local grant funding and bring the appropriations to the level they should be for these agencies to carry out the ongoing responsibilities that existed prior to the IRA and will continue into the future. It is essential that many State and local agencies hire new staff to carry out their traditional responsibilities and new programs to address more complex clean air and climate change programs. To cover the continuing costs of increased staffing, agencies require ongoing and permanent additional resources, such as those we are recommending here. The limited-time IRA funds will not replace the need for such increases. Finally, the successful implementation of the IRA will likely increase the responsibilities typically borne by State and local air agencies' core programs, but for which the measure did not allocate specific additional funding.

Similarly, funds from the Infrastructure Investment and Jobs Act⁶ are not the solution, as most are directed to water and infrastructure projects. While worthwhile, they do not address the day-to-day work of State and local air agencies and much of those funds are tied to specific new work, rather than existing responsibilities, which does not address the current funding deficit.

Finally, the permit fee program under Title V of the Clean Air Act is not the solution to State and local air agencies' financial problems. While it provides essential revenues, it has significant limitations. First, Title V fees only support the operating permit program and must not be used for other activities (i.e., Federal grants and permit fees must not be mingled). Second, those fees apply only to major sources and do not cover the significant costs for non-major sources (e.g., permits, monitoring, enforcement, compliance assistance). Third, the current fees already are substantial and there would be considerable resistance to any increases. Fourth, and perhaps most significantly, fee revenue has decreased drastically due to reductions in emissions on which they are based (i.e., success in controlling emissions results in diminished fee revenue).

These two significant pieces of legislation and the Title V fee program, while important to State and local agencies, are not the solutions to the funding shortfall. Traditional Federal grants must be expanded to meet the significant resource requirements.

⁵ <https://www.congress.gov/bill/117th-congress/house-bill/5376/text>

⁶ <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>

HOW WOULD ADDITIONAL FUNDING BE USED?

Many agencies report inadequate funding for the basic responsibilities identified above, which are the foundations of their programs. The recommended increases would allow for the continuation of these essential activities. In addition, increased Federal grants would support:

- advancing new programs and expanding existing efforts that protect all Americans, especially vulnerable communities that continue to bear the greatest pollution burdens;
- strengthening pollution detection and visualization efforts through monitors, sensors and airborne- and mobile-detection equipment for a variety of pollutants;
- supporting small business programs and emission reductions from smaller sources, including inspections, compliance assistance and technical support;
- addressing climate change with efforts including planning, monitoring, permitting and enforcement; energy-transition assistance for communities dependent on fossil fuels; and adaptation and resilience for communities that face extreme weather and climate impacts;
- empowering State and local agencies to take on the additional air quality responsibilities in new Federal clean energy and clean transportation programs; and
- tackling the ever-increasing threats posed by wildfires, including mitigating adverse health impacts and communicating with the public.

AGENCIES NEED FLEXIBILITY IN THE USE OF GRANTS

Air pollution problems are not the same everywhere and each State or local agency must adapt its approach to fit its unique circumstances and the issues facing its community. A one-size-fits-all strategy for grants applied nationally may not recognize the need to focus resources effectively. Therefore, NACAA recommends that Congress provide State and local air agencies with the flexibility to use grant funds on the highest priority programs in their areas.

ALLOW AGENCIES THAT CANNOT MATCH TO RECEIVE GRANTS

Section 105 of the Clean Air Act requires grant recipients to provide matching funds, while Section 103 does not. Providing certain grants under Section 103 authority, therefore, is very helpful for those State or local agencies that are unable to raise additional matching funds.

In the past, EPA has proposed shifting the PM_{2.5} monitoring grant program from Section 103 authority to Section 105. NACAA has asked Congress in previous years to retain PM_{2.5} monitoring grants under Section 103 so that no agencies would be forced to refuse critical monitoring grants due to their inability to afford the required match. We are very grateful that Congress has been agreeable to this request in the past and we ask that these funds once again remain under Section 103 authority in FY 2024.

Concerns about agencies' abilities to match grant funds go beyond just the PM_{2.5} monitoring grant program, however. While some agencies have adequate matching funds, others do not. Often, these are the same agencies in dire need of the additional grants we are seeking. Therefore, we request that Congress provide as much of the grant increase as possible under authorities that do not require matching funds (e.g., Section 103), so that no agency would be ineligible for the additional grants, even if they do not have sufficient matching funds.

CONCLUSION

Federal grants to State and local air quality agencies are a relatively small piece of the National budget. Yet the return on investment is among the highest when considering the benefits of protecting public health and the environment against the serious threats posed by air pollution and climate change.

State and local air quality agencies' efforts to protect and improve air quality are critically important both for public health and a sound economy. NACAA recommends that in FY 2024 Congress 1) provide \$500 million in grants to State and local air agencies, which is an increase of \$251 million over the FY 2023 appropriation of \$249 million and \$100 million above the Administration's request; 2) provide flexibility to State and local air quality agencies to use Federal grants to address the highest priority programs in their areas; 3) retain grants for monitoring PM_{2.5} under the authority of Section 103 of the Clean Air Act, rather than shifting it to

Section 105; and 4) provide grant increases under authorities of the CAA that do not require matching funds (e.g., Section 103) as much as possible to allow agencies that do not have sufficient matching funds to still obtain the additional grants.

Thank you very much for this opportunity to provide testimony. If you require additional information, please contact Miles Keogh (mkeogh@4cleanair.org) or Mary Sullivan Douglas (mdouglas@4cleanair.org) of NACAA.

[This statement was submitted by Miles Keogh and Mary Sullivan Douglas of NACAA.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, I am David Terry, Executive Director of the National Association of State Energy Officials (NASEO), which represents the 56 State and Territory Energy Directors and their Offices. NASEO submits this testimony in support of funding for the ENERGY STAR program (within the Climate Protection Partnership Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least \$50 million in FY24, including specific report language directing that the funds be utilized only for the ENERGY STAR program. The program received \$54 million a decade ago and is now down to \$38 million. The ENERGY STAR program is successful, voluntary, and cost-effective. The program has a proven track record—it makes sense, it saves energy and money, and Americans embrace it. ENERGY STAR helps consumers and businesses control expenditures over the long term. The program is strongly supported by product manufacturers, utilities, and homebuilders, and ENERGY STAR leverages the States' voluntary efficiency actions. Voluntary ENERGY STAR activities are occurring in public buildings, such as schools, in conjunction with State Energy Offices, in virtually every State, including Oregon and Alaska. The States and the public utilize ENERGY STAR because it is seen as unbiased and delivers cost-saving benefits to businesses, consumers and State and local governments.

The ENERGY STAR program is focused on voluntary efforts that reduce energy waste, promotes energy efficiency and renewable energy, and works with States, local governments, communities and business to achieve these goals in a cooperative, public-private manner. NASEO has worked closely with EPA and approximately 40 States are ENERGY STAR Partners. With very limited funding, EPA's ENERGY STAR program coordinates with the State Energy Offices to give consumers and businesses the opportunity and technical assistance tools to make better energy decisions and catalyzes product efficiency improvements by manufacturers without regulation or mandates. The program is voluntary.

ENERGY STAR focuses on energy-efficient products as well as buildings (e.g., residential, commercial, and industrial). Over 300 million ENERGY STAR qualified products were sold in 2019 alone, not including another 300 million ENERGY STAR certified light bulbs. The ENERGY STAR label is recognized across the United States. Approximately 90 percent of households recognize the ENERGY STAR label and a majority of surveyed U.S. households reported having purchased an ENERGY STAR product. The manufacturing, installation, design, wholesale distribution, and provision of professional services related to ENERGY STAR products employed almost 827,000 American workers in 2019. It makes the work of the State Energy Offices much easier, by engaging the public on easily-recognized products, services, and targets. In order to obtain the ENERGY STAR label, a product has to meet established guidelines. ENERGY STAR's voluntary partnership programs include ENERGY STAR Buildings, ENERGY STAR Homes, ENERGY STAR Small Business, and ENERGY STAR Labeled Products. We are also encouraged by the ENERGY STAR Home Upgrades Program.

Marketplace barriers are also eradicated through the ENERGY STAR program's collaborative approach to consumer education. State Energy Offices are working with EPA to promote ENERGY STAR products, ENERGY STAR for new construction, ENERGY STAR for public housing, etc. Another ENERGY STAR success is in the manufactured housing sector. Some States and utilities offer modest rebates for ENERGY STAR manufactured homes in order to deliver both energy cost savings to homeowners and lower overall electric grid operation costs for all customers.

In 2022, millions of consumers and thousands of voluntary partners, including manufacturers, builders, businesses, communities, and utilities, tapped the value of ENERGY STAR and achieved impressive financial and environmental results.

More than 840 utilities, State, and local governments and non-profits utilize ENERGY STAR in their energy efficiency programs, as do 1,800 manufacturers.

The State Energy Offices are very encouraged by progress made at EPA, in partnership with the U.S. Department of Energy, and in our States to promote programs to make schools more energy-efficient while improving indoor air quality and comfort. In fact, there are over 150 ENERGY STAR-rated schools in States from Arizona to Maine. In addition, many States' private sector partners voluntarily utilize ENERGY STAR to promote energy efficiency and lower operating costs.

EPA provides technical assistance to the State Energy Offices in such areas as ENERGY STAR Portfolio Manager (how to rate the performance of buildings), setting an energy target, and financing options for building improvements and building upgrade strategies. ENERGY STAR Portfolio Manager is used extensively by State Energy Offices to benchmark performance of State and municipal buildings, saving taxpayer dollars. Portfolio Manager is the industry-leading benchmarking tool which has been used voluntarily in approximately 50% of the commercial buildings in the United States. Portfolio Manager is used to measure, track, assess, and report energy and water consumption.

Additionally, the industrial sector embraces ENERGY STAR at job-creating companies such as GM, Eastman Chemical, Nissan, Raytheon, and Boeing. At the close of 2021, more than 750 U.S. industrial sites had committed to the ENERGY STAR Challenge for Industry.

The State Energy Offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. We encourage these continued efforts.

For example, in Oregon, the State is focused on decarbonization efforts, and ENERGY STAR is a useful tool to promote sustained investments in energy efficiency. In Alaska, the State has worked with partners to promote the Village Energy Efficiency Program, and ENERGY STAR has been critical.

Moreover, Oregon and Alaska have significant ENERGY STAR activities underway:

- Oregon is home to more than 180 businesses and organizations participating in U.S. EPA's ENERGY STAR program: 9 manufacturers of ENERGY STAR certified products; and 10 companies supporting independent certification of ENERGY STAR products and homes 49 companies building ENERGY STAR certified homes. ENERGY STAR Partner Activity in Oregon includes 1.9 million customers served by ENERGY STAR utility partners in 2020; 3,607 buildings (255 million square feet) benchmarked using EPA's ENERGY STAR Portfolio Manager; 26,522 homes earned the ENERGY STAR to-date; 437 buildings earned the ENERGY STAR to-date, including 107 schools, 3 hotels, 6 hospitals, 142 office buildings and 5 industrial plants.
- Alaska is home to more than 20 businesses and organizations participating in U.S. EPA's ENERGY STAR program; has 153 thousand customers being served by ENERGY STAR utility partners; 437 buildings that have been benchmarked using EPA's ENERGY STAR Portfolio Manager; 11,891 homes have earned the ENERGY STAR label; 31 schools, and 4 hospitals.

CONCLUSION

The ENERGY STAR program saves consumers billions of dollars every year. The payback and job creation benefits are enormous. NASEO supports robust program funding of at least \$50 million in FY'24. Funding for the ENERGY STAR program is justified. It is a solid public-private relationship that leverages resources, time and talent to produce tangible results by saving energy and money and, in light of Administrator Michael Regan's commitment to environmental justice, can provide immense benefits to high-need and underserved communities. NASEO endorses these activities as well as the constructive partnerships that the State Energy Offices have with EPA to cooperatively implement a variety of critical national programs without mandates.

Contact: David Terry, NASEO President (dterry@naseo.org); and Jeff Genzer, NASEO Counsel (jcg@dwgp.com).

[This statement was submitted by David Terry, President.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE FORESTERS

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Committee on Appropriations, subcommittee on Interior, Environment, and Related Agencies regarding our fiscal year

(FY) 2024 appropriations recommendations. Our priorities focus primarily on appropriations for the USDA Forest Service (Forest Service) State, Private, and Tribal Forestry (SP&TF) programs, as well as the Research and Development (R&D) Forest Inventory and Analysis Program.

State foresters deliver technical and financial assistance, along with forest health, water, and wildfire protection for more than two-thirds of the Nation's 751 million acres of forests. The Forest Service SP&TF mission area provides vital support to deliver these services, which contribute to the socioeconomic and environmental health of rural and urban areas. The comprehensive process for delivering these services is articulated in each State's Forest Resource Assessment and Strategy (Forest Action Plan), authorized in the 2008 Farm Bill and continued in the 2018 Farm Bill. State Forest Action Plans-completed in 2010, updated in 2015, and comprehensively revised in 2020 by all 59 States, U.S. territories, freely associated States, and the District of Columbia-offer practical and comprehensive roadmaps for investing federal, State, local, and private resources where they can be most effective in achieving national conservation goals. SP&TF programs provide a significant return on the Federal investment by leveraging the boots-on-the-ground and financial resources of State agencies to deliver assistance to forest landowners, Tribes, and communities. As Federal and State governments continue to face financial challenges, state foresters, in partnership with the SP&TF mission area of the Forest Service, are best positioned to maximize the effectiveness of available resources by focusing work on priority forest issues where resources are needed most.

The Infrastructure Investment and Jobs Act (IIJA/BIL) has provided game changing support in the form of flexible funding for State Forest Action Plan implementation-allowing States to address the highest priority forest management activities within their state, as identified and developed collaboratively with partners and stakeholders. Additionally, the IIJA/BIL provided critical support for the State Fire Assistance and Volunteer Fire Assistance Programs. We look forward to working with you to develop pathways for these historic investments to continue beyond FY2026.

Your support of the following programs is critical to helping States address the many and varied challenges outlined in Forest Action Plans.

STATE FIRE ASSISTANCE (SFA) AND VOLUNTEER FIRE ASSISTANCE (VFA)

More people living in fire-prone landscapes, high fuel loads, drought, and deteriorating forest health have led most state foresters to identify wildland fire as a priority issue in their Forest Action Plans. We now grapple with increasingly expensive and complex wildland fires—fires that frequently threaten human life and property. In 2022, roughly 69,000 wildland fires burned more than 7.5 million acres.¹ State and local agencies respond to the majority of wildfires across the country; in 2022 State and local agencies were responsible for responding to 57,492 (83%) of the 69,988 reported wildfires across all jurisdictions.²

SFC and VFC are the fundamental Federal mechanism for assisting States and local fire departments in responding to wildland fires and in conducting management activities that mitigate fire risk on non-federal lands. SFC also helps train and equip local first responders who are often first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as minimal as possible. Attacking fires when they are small is the key to reducing fatalities, injuries, loss of homes, and cutting Federal fire-fighting costs. The need for increased funding for fire suppression on Federal lands has broad support. The need to increase fire suppression funding for state and private lands, where roughly 80 percent of wildfires occur, and where many Federal fires begin, is just as urgent. NASF supports funding the State Fire Capacity Program at \$79 million, a \$3M increase from the FY 2023 enacted level, and Volunteer Fire Capacity Program at \$22 million in FY 2024, a \$1M increase from the FY 2023 enacted level.

FOREST PESTS AND INVASIVE PLANTS

Also among the greatest threats identified in the Forest Action Plans are native and non-native pests and diseases which have the potential to displace native trees, shrubs, and other vegetation types in forests; the Forest Service estimates that hundreds of native and non-native insects and diseases damage the Nation's forests each year. The growing number of damaging pests and diseases are often introduced and spread by way of wooden shipping materials, movement of firewood, and

¹National Interagency Fire Center, Historical Wildland Fire Summaries, Last accessed March 14, 2023 at <https://www.nifc.gov/fire-information/statistics/wildfires>

²Id.

through various types of recreation. An estimated 81 million acres at risk of attack by insects and disease.³ These extensive areas of high insect or disease mortality can set the stage for large-scale, catastrophic wildfire.

The Cooperative Forest Health Management program supports activities related to prevention, monitoring, suppression, and eradication of insects, diseases, and plants through provision of technical and financial assistance to States and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. The Cooperative Forest Health Management program plays a critical part in protecting communities already facing outbreaks and in preventing exposure of more forests and trees to the devastating and costly effects of damaging pests and pathogens. NASF supports funding the Forest Health-Cooperative Lands Program at \$39.43 million in FY 2024, a \$6.43M increase from the FY 2023 enacted level.

ASSISTING LANDOWNERS AND MAINTAINING HEALTHY FORESTS—FOREST STEWARDSHIP PROGRAM AND FOREST LEGACY PROGRAM

Actively managed healthy forest landscapes are a vital part of rural America, providing an estimated 900,000 jobs, clean water, wood products, and other essential services to millions of Americans. Over 50% of U.S. forestland is privately owned and supports an average of eight jobs per 1,000 acres.⁴ However, the Forest Service estimates that 57 million acres of private forests in the U.S. are at risk of conversion to urban development over the next two decades. Programs like the Forest Stewardship Program (FSP) and the Forest Legacy Program (FLP) are key tools identified in the Forest Action Plans for keeping working forests intact and providing a full suite of benefits to society. With the Great American Outdoors Act (GAOA) signed into law, the Land and Water Conservation Fund (LWCF) will receive permanent annual funding at the full authorized level, nearly doubling historical appropriations for the LWCF. FLP should receive significantly increased funding levels commensurate with the increased funding provided to the LWCF by the GAOA.

FSP is the most extensive family forest-owner assistance program in the country and is delivered in partnership with state forestry agencies, cooperative extension services, certified foresters, conservation districts, and other partners. FSP equips private forest landowners with the unbiased, science-based information they need to sustainably manage their forests now and into the future, helping to keep forests as forests. In addition to delivering technical assistance directly to forestland owners, the Forest Stewardship Program often serves as a gateway to other landowner cost-share assistance programming, like the USDA Environmental Quality Incentives Program, State programs, and partner programs, that can help landowners keep their forests working and intact. In FY2022, the Forest Stewardship Program added 1.68 million acres of new or revised plans for a total of over 20 million acres currently enrolled in the program. Forest landowners with management plans are almost three times more likely to meet their management objectives compared to those without management plans. The FSP leads landowners to reach their management objectives while tying them to the State's Forest Action Plan. Increased Federal funding for FSP will allow state forestry agencies to ramp up outreach efforts and provide additional technical assistance to landowners to ensure that private forestland acres are maintained. Forest Stewardship plans provide guidance for family forest landowners to keep their land healthy and productive and often serve as management roadmaps for several generations.

Following congressional direction, NASF has worked closely with the Forest Service to modernize the funding allocation formula to State agencies for FSP, focused on improving program delivery with greater emphasis on performance-based outcomes. Under the new allocation formula, priority areas and priority resource concerns have been designated in each State and greater emphasis has been placed on providing technical assistance and implementing land management plans in those priority areas. NASF supports funding for the Forest Stewardship Program at \$22 million, a \$9.5M increase from the FY 2023 enacted level and the Forest Legacy Program at \$128 million in FY 2024, a \$50M increase from the FY 2023 enacted level.

³Tkacz, Bory, et al. 2014. NIDRM 2012 Report Files: Executive Summary. 2013–2027 National Insect and Disease Forest Risk Assessment. Last accessed on March, 5, 2019 at: http://www.fs.fed.us/foresthealth/technology/pdfs/2012_RiskMap_Exec_summary.pdf

⁴Forest2Market. The Economic Impact of Privately-Owned Forests. 2009.

URBAN AND COMMUNITY FOREST MANAGEMENT CHALLENGES

Urban forests are essential for achieving energy savings, improved air quality, neighborhood stability, aesthetic value, reduced noise, and improved quality of life in municipalities and communities around the country. Urban trees and forests provide a wide array of social, economic, and environmental benefits to people living in urban areas; today, more than 83 percent of the Nation's population lives in urban areas. Yet, urban and community forests face serious threats, such as development and urbanization, invasive pests and diseases, and fire in the wildland urban interface (WUI).

The program is delivered in close partnership with state foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. In FY 2022, the U&CF program delivered technical, financial, educational, and research assistance to 7,447 communities across all 50 States, U.S. territories, three nations in compacts of free association with the U.S., and the District of Columbia. NASF supports funding the Urban and Community Forestry Program at \$42 million in FY 2024, a \$2M increase from the FY 2023 enacted level.

IMPORTANCE OF FOREST INVENTORY DATA IN MONITORING FOREST ISSUES

The Forest Inventory and Analysis (FIA) program, managed by Forest Service, Forest and Rangeland Research, is the only comprehensive inventory system in the United States for assessing the health and sustainability of the Nation's forests across all ownerships. FIA provides essential data related to forest species composition, forest growth rates, and forest health data, and it delivers baseline inventory estimates used in Forest Action Plans. Further, this data is used by academics, researchers, industry, and others to understand forest trends and support investments in forest products facilities that provide jobs and products to society. The program provides unbiased information used in monitoring of wildlife habitat, wildfire risk, insect and disease threats, invasive species spread, and response to priorities identified in the Forest Action Plans.

As the key partner in FIA program delivery via State contribution of matching funds, state foresters look forward to continued work with the Forest Service to improve efficiency in delivery of the program to meet the needs of the diverse user groups for FIA data. This will ensure that, at a minimum, the historical level of base program delivery is accomplished, which should include funding the collection of data on a 7-year cycle in the east and 10-year cycle in the west. NASF appreciates Congress supporting this program with a significant increase in FY 2023, and encourages ongoing support of the Forest Inventory and Analysis Program at \$32.4 million in FY 2024, a \$200K increase from the FY 2023 enacted level. Furthermore, we continue our request that you to work with the Forest Service to establish a budget line item for FIA for salaries and expenses.

LANDSCAPE SCALE RESTORATION (LSR)

The Landscape Scale Restoration (LSR) program is an important way that States address critical forest priorities across the landscape, in collaboration with the Forest Service and other partners. LSR projects focus on the most critical priorities identified in each State's Forest Action Plan and on achieving resource objectives outlined in the 2018 Farm Bill. The program prioritizes funding projects that reduce the risk of uncharacteristic wildfires, improve fish and wildlife habitats, maintain or improve water quality and watershed function, mitigate invasive species, insect infestation and disease, improve important forest ecosystems, and measure ecological and economic benefits including air and soil quality and productivity. As a result, LSR contributes to achieving results across the landscape and to making meaningful local, regional, and national impacts. NASF supports funding the Landscape Scale Restoration Program at \$20 million in FY 2024, a \$3M increase from the FY 2023 enacted level.

NASF appreciates the opportunity to share our FY 2024 appropriations recommendations for the Forest Service with the subcommittee.

[This statement was submitted by Kacey KC, Nevada State Forester, and President, NASF.]

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF TRIBAL HISTORIC
PRESERVATION OFFICERS

Chair Merkley, Ranking Member Murkowski, 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 2024 appropriations. My name is Valerie Grussing and I am the Executive Director.

We greatly appreciated the Committee's decision to include \$23 million in the Tribal line item of the Historic Preservation Fund (HPF) in the Fiscal Year 2023 Interior Appropriations bill, which matched the Biden Administration's request. And we were beyond thrilled that the FY23 Omnibus bill followed through on this commitment! What this means for THPOs: for the first time in the history of the Federal Tribal Historic Preservation Program, funding at this level provides each one an average of \$108,000 per THPO, which funds one whole staff member per Tribe. Following decades of underfunding, we and our members have been ecstatic at this increase and its real impacts on THPOs' ability to protect Tribal Nations' cultural resources and sacred places.

It is imperative that the subcommittee continue to close the gap by adequately funding the Tribal line item of the HPF. We urge the subcommittee to provide funding for Fiscal Year 2024 that continues to make up for more than two decades of failures to adequately support the Federal THPO program. Specifically, we urge the subcommittee to support these funding levels:

1. National Park Service, Historic Preservation Fund, Tribal line item (\$34 million)
2. National Park Service, National NAGPRA Program:
 - a. Exclusively for NAGPRA Grants (\$10 million)
 - b. Program administration (\$1 million for Program Use)
3. Bureau of Indian Affairs—Create line items and support the following divisions:
 - a. Cultural Resource compliance at the 12 Regional BIA Offices (\$8 million);
 - b. Central Office cultural resource efforts throughout the bureau (\$800,000);
 - c. NAGPRA compliance work (\$1.5 million);
 - d. To fight ARPA crimes on Indian reservations (\$850,000);
 - e. Museum property and curation (\$400,000).
4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office (\$3 million)
5. Bureau of Land Management: Tribal Liaison Program, NAGPRA compliance (\$3 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 Historic Preservation Officers (SHPO), 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 NATHPO? NATHPO is a national non-profit association of THPOs protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance.

1. Historic Preservation Fund (HPF), administered by NPS—Tribal line item (\$34 million)

As of March 1, 2023, there were 215 National Park Service (NPS)-recognized THPOs. Each THPO represents an affirmative step by an Indian Tribe to assume the responsibilities of the SHPO for their respective Tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act (NHPA). Collectively, they exercise responsibilities over a land base exceeding 50 million acres in 30 States. The HPF is the sole source of Federal funding for THPOs. We recommend \$34 million to carry out the requirements of the NHPA. This would provide the 215 federally recognized THPOs an average of \$158,139 each 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 to proceed, 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 (FY 1996), the original 12 THPOs each received an average of \$80,000, while in FY 2022, 208 THPOs received an average of \$76,923. This funding was inadequate for THPOs to handle their current workloads, which have increased exponentially with the enactment of the Bipartisan Infrastructure Bill. Additionally, the number of Tribes with a THPO continues to grow; around 10 Tribes successfully establish a THPO program each year. 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 supports the request of the National Trust for Historic Preservation that Congress provide a total FY 2024 HPF appropriation of \$225 million. Within that funding we recommend:

- \$70 million for State Historic Preservation Officers (SHPOs);
- \$34 million for Tribal Historic Preservation Officers (THPOs);
- \$28 million for competitive grants related to African American Civil Rights;
- \$7 million for the History of Equal Rights Grants program;
- \$13 million for grants to Historically Black Colleges and Universities;
- \$40 million for Save America's Treasures grants;
- \$17 million for Paul Bruhn Historic Revitalization grants;
- \$5 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks;
- \$5 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks;
- \$11 million for the Semiquincentennial grant program to preserve historical sites commemorating the 250th Anniversary of the United States of America.

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.

2. National Park Service, National NAGPRA Program

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items¹ removed from Federal or Tribal lands, or in the possession or control of museums or Federal agencies, to lineal descendants, Indian Tribes, or Native Hawaiian organizations based on descent or cultural or geographic affiliation. NAGPRA prohibits trafficking of Native American cultural items and created a grants program exclusively for Indian Tribes, Native Hawaiian organizations, and public museums.

NAGPRA Grants Program:

The National Park Service is currently revising the regulations implementing NAGPRA. These revisions will dramatically increase the burden on Indian Tribes, Native Hawaiian organizations, and museums. We request that the NAGPRA grants program be funded at \$10 million to be used exclusively for NAGPRA Grants to Indian Tribes, Native Hawaiian organizations, and museums. We also request that you direct the Government Accountability Office to evaluate the effectiveness of this grant program.

¹ Cultural items include human remains, funerary or sacred objects, and objects of cultural patrimony.

Administration of National NAGPRA Program:

\$1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs. We also request that you direct the Government Accountability Office to evaluate the effectiveness of the National NAGPRA Program's implementation of civil penalty investigations.

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. Until recently, the BIA did not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian Country. There are now four agents nationwide and we urge the Committee to enable two additional agents nationwide plus two in Alaska.

NATHPO recommends the BIA create line items and support the following divisions:

- a. Cultural Resource compliance at the 12 Regional BIA Offices (\$8 million);
- b. Central Office cultural resource efforts throughout the bureau (\$800,000);
- c. NAGPRA compliance work (\$1.5 million);
- d. To fight ARPA crimes on Indian reservations (\$850,000);
- e. Museum property and curation (\$400,000).

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 \$3 million specifically directed to expediting its repatriation activities.

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 the Committee's continuing support for the agency to enhance its National Cultural Resources Information Management System (NCRIMS).

Additionally, responsive to recommendations in the 2010 GAO report on NAGPRA, BLM stated at that time that nine new positions and \$22 million were needed to improve compliance. Neither of these has happened, and now the current proposed NAGPRA regulation changes are anticipated to present further demands that BLM (and other agencies as well as Tribes) are not equipped to meet. It is incumbent upon this Committee to provide commensurate resources to assist with the critical and overdue task of bringing ancestors home. We recommend providing specific funding of \$3 million above enacted, specifically to continue building the vital Tribal Liaison Program, including the Headquarters agency lead and 12 State Office positions, and staffing related to NAGPRA compliance.

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

[This statement was submitted by Valerie J. Grussing, PhD, Executive Director.]

PREPARED STATEMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to provide testimony in support of Fiscal

Year (FY) 2024 funding for the National Endowment for the Arts (NEA) on behalf of The Creative Coalition. We respectfully request the Committee provide \$211 million for the NEA in the upcoming fiscal year, building on the continued investment made by this Committee in Fiscal Year 2023 to support the arts economy of the United States.

Founded in 1989 by prominent members of the entertainment community, The Creative Coalition dedicates itself to educating, mobilizing, and activating its members on the necessity of access to the arts for ALL Americans and the benefit of the arts to our society and economy.

Art is a form of creative expression encompassing various disciplines, such as painting, sculpture, music, dance, theatre, literature, and film. Each of these aspects is an integral part of our society and the economy, reflecting the cultural, social, and economic values held. Year after year, the question arises about the importance of funding for the arts. While some continue to argue it is an unnecessary use of resources, The Creative Coalition sincerely appreciates the Committee's and Congress' recognition that Federal funding for the arts is a valuable investment, as illustrated by the historic level of funding provided to the NEA in the last fiscal year. Our testimony today reiterates the benefits of Federal funding for the arts, as well as arts education, and why both are prudent investments for society and the economy.

Funding for the arts in education has numerous benefits, both for students and society as a whole. First and foremost, art education fosters creativity and imagination, two critical skills essential for success in any field. Art classes encourage students to think outside the box, experiment with different materials, and develop their own unique style of expression. This creativity can spill over into other subjects, such as science, technology, engineering, and mathematics (STEM)¹, helping students approach problems and challenges in innovative ways.

In addition, art education can have a significant impact on academic achievement. Studies have shown that students who participate in arts programs tend to have higher grades, better attendance records, and are more likely to graduate from high school.² This is because art education engages students in learning and helps them develop critical thinking skills. For example, a student learning to draw a still life must analyze the shapes, proportions, and colors of the objects in front of them. This kind of analysis and problem-solving applies to other subjects such as science, math, and social studies.

Arts education also positively impacts the mental health and well-being of students. According to the CDC's Adolescent Behaviors and Experiences Survey, more than 40 percent of high school students surveyed expressed feelings of sadness and or hopelessness for weeks at a time.³ Addressing the mental health crisis is a priority for all Americans, especially in the wake of the pandemic that so profoundly impacted our collective mental health. Arts education provides opportunities for students to improve cognitive development, self-esteem, and relationship skills to enhance their lives.⁴

Moreover, funding for the arts in education can promote cultural understanding and tolerance. Art classes expose students to different styles, cultures, and traditions, allowing them to appreciate and respect diverse perspectives. This appreciation of diversity is essential in a globalized and changing world, where understanding different cultures and perspectives is becoming increasingly important to professional and personal development.

Funding for the arts is not only a good investment in education but also in the economy. The arts sector contributes significantly to the economy in terms of job creation and revenue generation. According to the Department of Commerce, the

¹Huser, Joyce et al (2020). STEAM and the Role of the Arts in STEM. New York: State Education Agency Directors of Arts Education

²Thomas. M. K., Singh, P. & Klopfenstein, K. (2015). Arts education and the high school dropout problem. *Journal of Cultural Economics*, 39 (4): 327–339

³Jones SE, Ethier KA, Hertz M, et al. Mental Health, Suicidality, and Connectedness Among High School Students During the COVID–19 Pandemic—Adolescent Behaviors and Experiences Survey, United States, January–June 2021. *MMWR Suppl* 2022;71(Suppl-3):16–21. DOI: <http://dx.doi.org/10.15585/mmwr.su7103a3external icon>

⁴Goessling, K., & Doyle, C. (2009). Thru the Lenz: Participatory Action Research, Photography, and Creative Process in an Urban High School. *Journal of Creativity in Mental Health*, 4(4), 343–365.

arts and culture sector generated \$1.02 trillion in economic activity in 2021, supporting 4.9 million jobs.⁵

Funding for the arts can also help revitalize local economies, which is another critical contribution as we recover from the pandemic. Arts and cultural institutions such as museums, galleries, and theatres attract tourists and visitors, stimulating the local economy. These visitors spend money on transportation, lodging, food, and other goods and services, creating jobs and generating tax revenue. For example, the New Orleans French Quarter Festival attracted over 500,000 visitors, generating a total economic impact of \$190 million annually for the local economy in 2019.⁶

In addition, funding for the arts can spur innovation and creativity in other industries. Many technological advancements have been made possible because of the intersection between art and technology. For instance, computer graphics and animation were initially developed for the film industry but are now widely used in video games, advertising, and virtual reality. This kind of cross-disciplinary innovation can create new products, services, and industries, leading to job creation and economic growth.

Despite the notable benefits of funding for the arts and arts education, some argue it is a waste of limited Federal resources. They argue art is a luxury society cannot afford, particularly in times of economic hardship, and that private funding can sustain the arts. However, this argument ignores the fact that art is not just a form of entertainment but an essential component of human expression and cultural heritage. It also ignores the mission of the NEA, which is to ensure that even the most impoverished Americans experience the arts. The NEA funds projects that are unlikely to benefit from private funding because of their location.

Funding for the arts, and thereby the NEA, is not just about supporting artists and performers, but also about supporting the communities and institutions that promote art. Funding for the arts can help maintain and improve museums, galleries, theatres, and other sites, which is necessary for local revenue and economic growth. In President Biden's FY24 budget request, 40 percent of grant funding for promoting the arts is dedicated to NEA's State and Regional Partnership Program.⁷ Furthermore, in 2021, nearly 20 percent of NEA projects occurred in rural and small communities, impacting Americans from all walks of life.⁸

NEA funding is also directed to Americans and organizations in great need of mental health and financial support. Thirty-five percent of Arts Endowment grants take place in high-poverty neighborhoods, and 35 percent of grants reach low-income audiences or underserved populations such as people with disabilities, people in institutions, and veterans. NEA funding supports military families through its Creative Forces program, a collaboration with the Departments of Defense (DoD) and Veterans Affairs (VA) to serve the unique needs of military patients and Veterans diagnosed with traumatic brain injury (TBI) and psychological health conditions such as post-traumatic stress disorder (PTSD). During visits to Walter Reed and Fort Belvoir over the years, members of The Creative Coalition have witnessed firsthand the healing power of the arts and art therapy. This funding is a necessary instrument to better the lives of our heroes through the arts.

Thank you for this opportunity to submit this testimony, and thank you to Congress for demonstrating its support for the arts in America. The Creative Coalition again urges the Committee to continue to support all Americans' access to the arts by providing at least \$211 million for the National Endowment of Arts for Fiscal Year 2024.

[This statement was submitted by Robin Bronk, CEO, The Creative Coalition and Tim Daly, President, The Creative Coalition.]

PREPARED STATEMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS

Thank you for providing the opportunity to submit outside witness testimony as you consider investments in vital Federal agencies, including the National Endowment for the Arts (Arts Endowment). The Western States Arts Federation (WESTAF), a regional partner of the Arts Endowment, writes to affirm the integral

⁵ Bureau of Economic Analysis (BEA): Arts and Cultural Production Satellite Account, U.S. and States, 2021 (March 15, 2023). <https://www.bea.gov/news/2023/arts-and-cultural-production-satellite-account-us-and-states-2021>

⁶ French Quarter Festival Facts (2019): <https://frenchquarterfest.org/festival-facts/>

⁷ NEA: Budget Request for Fiscal Year 2024 (March 13, 2023) <https://www.arts.gov/sites/default/files/NEA-FY24-Congressional-Budget-Request.pdf>

⁸ NEA: NEA Quick Facts (August 9, 2022) <https://www.arts.gov/sites/default/files/NEA-Quick-Facts-8.9.22-two-pager.pdf>

impact the Endowment plays in communities throughout the West. Through innovative programming, advocacy, research, technology, and grantmaking, WESTAF encourages the creative advancement and preservation of the arts in the West, serving the States and jurisdictions of Alaska, American Samoa, Arizona, California, Colorado, Commonwealth of the Northern Mariana Islands, Guam, Hawai'i, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. We express gratitude for Congressional support in funding the National Endowment for the Arts and the National Endowment for the Humanities in the FY 2023 Interior Appropriations bill at the historic level of \$207 million to broaden opportunities for western Americans to realize the cultural, educational, and economic benefits of the arts and to advance creativity and innovation in communities across the United States. We know that arts and creativity strengthen our Nation. Arts and creativity make us stronger-as individuals, families, communities, States and as a country. They are a backbone of innovation, prosperity, and thriving people and places. Public investment in arts and creativity is a high return investment that benefits every American in every city, town and rural community nationwide. As such, we urge you to increase the Arts Endowment's FY 2024 budget to at least \$211 million.

Because of the leadership of Congress, this increase will mean expanded investment in arts and culture across the West driven by decisions made at the community level, indeed the structure of NEA and NEH investments are focused on the local control model. We also urge Congress to continue bipartisan support in substantially increasing National Endowment for the Arts and National Endowment for the Humanities funding in the FY 2024 Interior Appropriations Bill in order to broaden opportunities for Western Americans to engage in the cultural, educational, and economic benefits of the arts and to advance creativity and innovation in communities across the United States. We further request you to support the arts sector by allowing the Arts Endowment to continue to provide more and larger grants, and offer general operating support funding to be provided within the scope of its grantmaking to arts and cultural organizations. Finally, we ask that Congress maintain parity between the National Endowment for the Arts and National Endowment for the Humanities budgets.

We deeply understand the importance of the Arts Endowment's leadership in the West and would like to point out the following:

1. The Arts Endowment is a significant funder and a positive force for arts development in the West, a fast growing and exceptionally diverse region that is home to nearly a quarter of the U.S. population.
2. Arts Endowment investment reaches every congressional district in the West and throughout the United States. Its support is a critical component in ensuring that arts funding reaches every community in the U.S. Its support increases the grant making capability of state arts agencies.
3. The federal-state partnership is vital to the WESTAF region with nine States and jurisdictions receiving over a third of agency funds from the National Endowment for the Arts. Investment is particularly critical to the most rural States and jurisdictions within the region.
4. Every dollar of Federal funding invested in the National Endowment for the Arts leverages \$9 of additional funding nationally. Investment into state arts agencies in our region alone provides a nearly 10:1 return on investment based on 2023 data (see table below). In addition to leveraging significant State and local government dollars, the Arts Endowment is also leading to increased investment of private foundation funds beneficial to arts activity and economic development.

Arts Endowment Contribution to State Arts Agency Revenue in the West in FY23

State	Total Agency Revenue (\$)	Arts Endowment funds (\$)	% of Total Funding From Arts Endowment
Alaska	\$2,791,414	\$770,707	27.6%
American Samoa	\$481,180	\$327,680	68.1%
Arizona	\$7,449,832	\$1,008,332	13.5%
California	\$58,273,600	\$1,397,600	2.4%
Colorado	\$2,921,849	\$867,500	29.7%
Guam	\$947,800	\$336,400	35.5%
Hawai'i	\$8,082,489	\$805,300	10.0%

Arts Endowment Contribution to State Arts Agency Revenue in the West in FY23—Continued

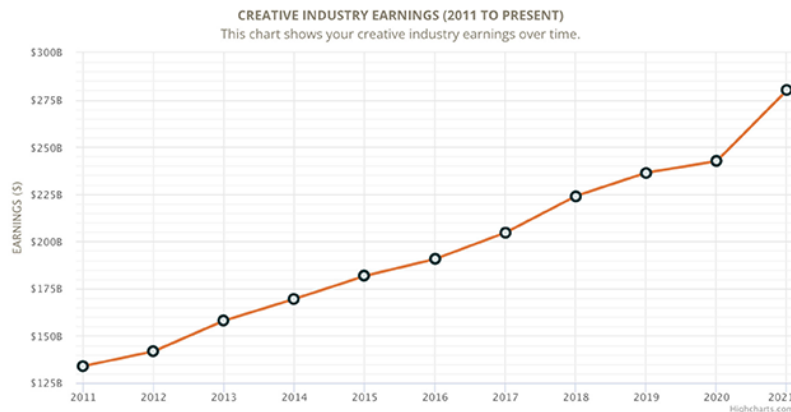
State	Total Agency Revenue (\$)	Arts Endowment funds (\$)	% of Total Funding From Arts Endowment
Idaho	\$1,795,822	\$889,160	49.5%
Montana	\$2,069,937	\$943,700	45.6%
Nevada	\$2,996,692	\$828,600	27.7%
New Mexico	\$2,320,400	\$827,400	35.7%
Northern Marianas	\$533,634	\$309,700	58.0%
Oregon	\$12,912,833	\$901,800	7.0%
Utah	\$11,178,800	\$857,400	7.7%
Washington	\$14,190,957	\$983,800	6.9%
Wyoming	\$1,768,683	\$797,183	45.1%
WESTAF region	\$130,715,922	\$12,852,262	29.4%

Source: National Assembly of State Arts Agencies, 2023

Examples of the Arts Endowment's support in the West include grants for local arts agencies in Juneau and Fairbanks, Alaska to regrant to interior communities and direct grants to organizations such as the Sitka Fine Arts Camp. Arts Endowment programming also includes Creative Forces(r) in partnership with the U.S. Departments of Defense and Veterans Affairs to improve the health, well-being, and quality of life for military and veteran populations exposed to trauma. The Arts Endowment invests in projects that represent all communities in the West, but the agency's support has been particularly important to engaging rural communities, indigenous communities, young people, and the full range of communities and cultures that make up the West in terms of race and ethnicity. The Endowment's long standing focus on the underserved, prompted in part by Congressional leadership, inspires the work of state arts agencies across the West and the work of WESTAF.

In the West, jobs in creative occupations, creative industries earnings, and cultural nonprofit revenues have been on an upward growth trajectory for a decade. The National Endowment for the Arts acts as the flag bearer for this vital industry in our Nation that in the West alone grew by 85% between 2011 and 2020 (Creative Vitality Suite, 2022).

CREATIVE INDUSTRIES EARNINGS GROWTH IN THE WEST, 2011–2021



Source: Creative Vitality Suite, 2023

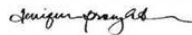
Arts and creativity are an American economic engine. According to the BEA, in 2021 Arts and cultural economic activity accounted for 4.4 percent of gross domestic product (GDP), or \$1.02 trillion. They provide people with the foundation for creativity, equipping an innovative workforce, generating new ideas in every field, and keeping our Nation globally competitive. Arts and creativity strengthen economic health by creating jobs in multiple industries, driving tourism, and providing workforce development opportunities for young people. Empirical analysis conducted by

Douglas Noonan at Indiana University studied the role of the arts in economic recovery following the Great Recession revealed that the creative sector grew more quickly than the general economy. Unlike conventional industrial supply chains, the arts often grow independently from other sectors, which helps to diversify state economies. States with varied arts ecosystems posted bigger economic gains after the Great Recession than their less-diversified neighbors. Creativity stimulates economic development while bolstering civic engagement, making the arts a powerful catalyst for building economic strength.

Since 2020, the arts and cultural sector has faced tremendous challenges due to the in-person nature of the sector's work. Due to inflation, rising salaries, increased demand for services post-pandemic, and receding pandemic-related support, experts are predicting a fiscal cliff in the sector. Investing in the creative economy will allow industries to get back on track and will reap rewards for the region and the Nation as a whole.

Public funding for arts and creativity improves the lives of all Americans, equips an innovative workforce, and keeps us competitive globally. It is a great example of good management in government that fuels public-private partnerships, leverages considerable additional public and private investment far surpassing the required Federal match of 1:1, and puts tax dollars and decision-making authority into State and local hands. We encourage the Senate Interior Appropriations subcommittee to work with other Congressional leaders to build a specific path to index funding for the National Endowment for the Arts and National Endowment for the Humanities at \$1 per capita. Currently funding is at about \$0.62 cents per capita. A more robust agency budget would move us toward ensuring that the arts contribute to the present and future strength, pride, cohesion and economic success of every community in the United States.

Sincerely,



Teniqua Broughton
Chair



Christian Gaines
Executive Director



David Holland
Deputy Director

Endorsed by:
Regional Organization
Western Arts Advocacy Network
Co-Chairs: Andrew Schneider, Jessi Wasson

State-Wide Organizations
Arizona Citizens for the Arts
Colorado Business Committee for the Arts
Creative New Mexico
Utah Cultural Alliance
Inspire Washington

[This statement was submitted by David Holland, Deputy Director, Western States Arts Federation in support of the National Endowment for the Arts.]

PREPARED STATEMENT OF THE NATIONAL FISH AND WILDLIFE FOUNDATION

Thank you for the opportunity to submit testimony regarding fiscal year FY 2024 funding and thank you for your years of steadfast support of the National Fish and Wildlife Foundation's (NFWF) natural resource conservation work. Consistent with its mission, NFWF works to sustain, restore and enhance the Nation's fish, wildlife, plants and habitats for current and future generations. Many NFWF conservation outcomes also enhance nature-based infrastructure that protects communities across the Nation from the impacts of flooding, drought, wildfire, and other natural threats.

NFWF will match FY 2024 funding provided to the Foundation at least dollar for dollar with non-federal funds to increase conservation benefits across the country through local partnerships. NFWF will accomplish this by applying 100% of the appropriated funding to on-the-ground conservation projects with ZERO administrative cost to the Federal Government as required by law.

We believe that NFWF is a sound investment because of our proven track record of leveraging Federal funding with private contributions to maximize the impact Federal resources can achieve. We appreciate the subcommittee's past support and respectfully request your approval of funding at the following levels:

- \$3.0 million provided through the Bureau of Land Management’s (BLM) Management of Lands and Resources appropriation and restoration of legislative bill text directing BLM to provide this funding for NFWF to administer in support of BLM’s wildlife conservation efforts¹;
- \$7.032 million provided through the U.S. Fish and Wildlife Service’s Resource Management appropriation and inclusion of this legislative text in the legislation as opposed to the bill report in past years² (same funding level as FY 2023); and
- \$3.0 million with the standard bill language through the Forest Service’s National Forest System appropriation (same funding level as FY 2023).

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) has partnered with NFWF for many years to further conservation efforts on public lands throughout the United States. In the past 5-years (FY 2018—FY 2022), NFWF leveraged \$10.8M in BLM appropriated funds across 102 projects into a total of \$63.3 million in on-the-ground conservation impact. NFWF continues to work closely with the BLM, other Department of the Interior agencies, and 11 western States to achieve significant conservation gains.

For example, the Foundation has administered a program since 2019 that conserves habitat and migration corridors to maintain healthy populations of migratory animals. To date, the program has awarded \$11.7 million across 52 projects, leveraging \$57.5 million in matching contributions to generate a total conservation impact of more than \$69.2 million. The projects collectively will protect 111,060 acres of private land from fragmentation through voluntary conservation easements; restore 68,000 acres of public, private and Tribal land through efforts like invasive weed and conifer removal treatments; improve management on 695,500 acres of public, private and Tribal land through efforts like grazing and wildlife management plans; remove or improve 670 miles of fencing to be more wildlife friendly, reducing direct mortality and increasing landscape connectivity; and reconnect 307 miles of migration corridors for big game species.

The committee’s support for continuing funding for NFWF from BLM appropriations would help continue this work and help drive other conservation outcomes. For FY22, NFWF worked with BLM’s Wildlife Division to determine allocations and priorities for four NFWF program landscapes, including Northern Great Plains, RESTORE Colorado, Pecos Watershed Conservation Initiative, and Southwest Rivers Headwaters. These programs focus on outcomes including perennial grassland management through the Northern Great Plains Program; wet meadow and sagebrush restoration through the Rocky Mountain Rangeland Program; watershed and associated upland restoration to benefit declining species through the Pecos, and emerging Gila River Initiatives. Other BLM partnership areas of interest include pollinator recovery through the Monarch Butterfly and Pollinators Conservation Fund and desert conservation through a new Mojave Desert Tortoise Initiative. Each of these programs provides opportunities to leverage BLM resources with corporate and foundation private sector partners.

Requested restoration of FY17 BLM Bill Language for FY 2024:

“; of which \$3,000,000 shall be available in fiscal year 2024 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum without regard to when expenses are incurred.”

¹ Prior to the FY18 spending bill, the appropriations language required BLM to provide NFWF the full amount of appropriated funds. The FY18 appropriation bill changed the law by making the provision of funds to NFWF the discretion of the Director of the BLM and removed the language from the bill. This created questions about BLM’s legal authority to provide funding to NFWF and has hindered the two organizations’ ability to partner in the most effective manner. We request that the FY17 bill language be restored in the FY24 bill.

² In the past, the FWS appropriation for NFWF was included in the report accompanying the appropriations bill. We respectfully request that it be included in bill language. This will make NFWF’s direct appropriations in the Interior, Environment and Related Agencies Bill consistent across all agencies in the bill and expedite the permitting of conservation projects. The exclusion of this provision from the bill text increases the time needed by FWS to approve permitting of conservation projects and significantly delays the implementation of urgent conservation efforts.

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service (FWS) has been a trusted partner since NFWF was created by Congress in 1984. In the past 5-years (FY 2018—FY 2022), NFWF leveraged \$34.2M in FWS appropriated funds across 344 projects into a total of \$185.2 million in on-the-ground conservation impact. The funds appropriated to NFWF serve as a magnet to attract funds from the private sector to create public-private partnerships critical to restoring fish, wildlife, eco-system restoration, improving aquatic passage, addressing climate change, and increasing natural processes for immediate carbon sequestration.

In the past, the FWS appropriation for NFWF has existed in the report accompanying the appropriations bill. However, we respectfully request that it be included in bill language. This will make NFWF's direct appropriations in the Interior, Environment and Related Agencies Bill consistent across all agencies in the bill and expedite the permitting of conservation projects. The exclusion of the FWS appropriation for NFWF from bill text increases the time needed to approve permitting of conservation projects and significantly delays the implementation of urgent conservation efforts.

Requested FWS Bill Language for FY 2024:

“; of which \$7,032,000 shall be available in fiscal year 2024 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of wildlife and other natural resources; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.”

Additionally, because NFWF works with FWS on discretionary cooperative agreements for conservation programs, we respectfully support the highest possible funding levels for the Delaware River Basin Conservation Act, Klamath Basin Restoration, Chesapeake WILD program, efforts to combat white-nosed syndrome in bats, and Recovery Challenge matching grants within the FWS, Resource Management appropriation.

UNITED STATES FOREST SERVICE

Congress has appropriated approximately \$3 million in annual funding to NFWF for partnerships with the United States Forest Service (USFS) since FY 1998. In the past 5-years (FY 2018—FY 2022), NFWF leveraged \$15.0M in USFS appropriated funds across 198 projects into a total of \$110.5 million in on-the-ground conservation impact. This partnership between NFWF and USFS has proven extremely successful providing a 7:1 return on investment for Federal USFS dollars. We respectfully request that the Committee continue supporting cost effective partnership.

Retain US Forest Service Language for FY 2023 as it has been in past years:

“Pursuant to section 2(b)(2) of Public Law 98-244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.”

ENVIRONMENTAL PROTECTION AGENCY

NFWF has partnered with the Environmental Protection Agency (EPA) since FY 1997 and since FY 2000 has worked with EPA to make grants to States and other grantees within the Geographic Programs appropriation. Therefore, we respectfully support the highest possible funding levels for the Great Lakes Restoration Initiative, Chesapeake Bay, Gulf of Mexico, and Long Island Sound within the Environmental Protection Agency Geographic Programs. We also respectfully ask that the long-standing report language that delineates the amount of funding for nutrient and sediment removal grants and small watershed grants within the Chesapeake Bay program be continued (Approved FY 2023 Senate language is below).

Chesapeake Bay.-The Committee recommends \$91,000,000 for the Chesapeake Bay program. The Committee directs the Agency to allocate this fund-

ing and the Fiscal Year 2023 supplemental appropriation of \$47,600,000 provided in the Infrastructure Investment and Jobs Act (Public Law 117-58) to support the three successful grant programs that drive conservation dollars to State and local partners as follows: at least \$20,500,000 for nutrient and sediment removal grants; at least \$25,500,000 for small watershed grants to control polluted runoff from urban, suburban, and agricultural lands; and at least \$22,708,000 for State-based implementation in the most effective basins.

An example of a project made possible with EPA Geographic Programs funding is the Nutrient and Sediment Reduction through Healthy Soils and Regenerative Agriculture project. NFWF awarded \$764,000 which was matched by the grantee with another \$764,800 to a total conservation impact of \$1,528,000. The project will use partnerships to catalyze nutrient and sediment reduction through healthy soils and regenerative agriculture in Maryland. Project will combine entry-level educational opportunities, advanced peer-to-peer learning via knowledge cooperatives; financial incentives for practice implementation; state-specific economic case studies; and vouchers for technical assistance to support the adoption of soil health management systems (SHMS) and drive demand for soil health resources.

NFWF BACKGROUND

NFWF was established by Congress in 1984 to catalyze private investments to conserve fish, wildlife and their habitats. NFWF raises private funds not only to leverage appropriated dollars, but also to support the associated management costs of implementing the appropriated funds. Since its creation by Congress in 1984, NFWF and its partners have funded more than 21,600 projects and supported more than 6,000 grantee organizations. The Foundation's investments since its founding have leveraged matching contributions from grantees and other partners to generate a total conservation impact of \$8.1 billion.

NFWF remains fully transparent and is required by law to notify Congress 30 days in advance of every grant that exceeds \$10,000 in Federal funds. Details of all projects awarded during FY 2022 can be found in NFWF's annual investment guide and all NFWF's grants can be found on our website: <https://www.nfwf.org/grants/grants-library>

In FY 2022, NFWF was audited by an independent accounting firm and issued an unqualified report with no material weaknesses identified and no deficiencies identified. This is the FOURTEENTH consecutive year of unqualified audits. In addition, NFWF has continually qualified as a low-risk auditee under OMB guidelines.

Chairman Merkley, Ranking Member Murkowski and members of the subcommittee, we greatly appreciate your continued support and stand ready to answer any questions you or your staff might have.

[This statement was submitted by Will Heaton, Director, External Relations, National Fish and Wildlife Foundation.]

PREPARED STATEMENT OF THE NATIONAL HUMANITIES ALLIANCE

On behalf of the National Humanities Alliance (NHA), with our more than 260 member organizations, I write to express strong support for the National Endowment for the Humanities (NEH).

OVERVIEW

For FY 2024, we respectfully urge the subcommittee to consider no less than \$211 million for the National Endowment for the Humanities.

While we recognize the difficult choices that are before this subcommittee, we believe that expanding the capacity of the NEH is essential at this moment in the Nation's history, when the humanities are so needed to 1) build strong communities and foster civic dialogue; 2) preserve cultural heritage, including Indigenous languages; 3) cultivate knowledge of world histories and cultures; and 4) shore up local tourism economies and community institutions.

The NEH has a clear track record of supporting programs that work towards these ends, and additional capacity is needed to ensure that these crucial goals are met around the country. The NEH does not have the capacity to fund many of the highly rated proposals it receives-in FY 2020, 1,605 applications with high ratings were not funded, amounting to a total of \$184,789,512.

BUILDING STRONG COMMUNITIES AND FOSTERING CIVIC DIALOGUE

NEH funding builds strong, civically-engaged communities through its support of cultural organizations. The agency's grantmaking helps establish and sustain robust community institutions, providing opportunities for learning, empathy, and understanding. The International Storytelling Center in Jonesborough, Tennessee, regularly hosts programs that promote discussion and dialogue. Ninety-three percent of respondents to an NHA survey indicated that they were "motivated to listen to the stories of people whose background was different from their own" after participating in a program featuring the stories of Black Appalachians. Meanwhile, Dialogues on the Experiences of War grants strengthen communities by offering veterans the chance to reflect upon their experiences while building bonds with each other and with civilians. Ninety-nine percent of respondents across eight programs reported a desire to "keep in touch with some of the people [they] met during the program." Programs have been held throughout the U.S. and are tailored to local audiences. In California, San Francisco's Chinese Historical Society of America is hosting a program on Chinese American Veteran experiences, while Cal Poly Pomona's program featured California voices more broadly. In Maryland, Bowie State University's program brings together ROTC cadets, student Veterans, and Veterans from the broader community, while a 2017 program hosted by the University of Maryland was designed for women Veterans.

NEH funding has an especially outsized role in small and rural communities, where it can build and support the infrastructure and programs that are vital to strong communities. Foundational support from the NEH has enabled Bend, Oregon's High Desert Museum to create engaging exhibitions and programs that showcase the region's diverse history. Recently, NEH funding has helped the museum strengthen relationships with and support for local Indigenous populations. In Matewan, West Virginia, NEH funding has proven transformative for the grassroots Mine Wars Museum, enabling it to hire staff, engage with partners and stakeholders, and create events for the local community that explore the region's significance to U.S. labor history and the struggle to unionize the southern coalfields. And in Red Cloud, Nebraska, NEH funding helped the Willa Cather Foundation expand its facilities and programming, having a robust impact on the rural town of 1,000 as both an employer and as an educational and cultural center that hosts theatrical adaptations on Cather's work, children's film screenings, and an annual conference.

PRESERVING CULTURAL HERITAGE, INCLUDING INDIGENOUS LANGUAGES

Our cultural heritage lives in many forms, from presidential letters and great works of art to community archives and endangered languages. It is also vulnerable and requires protection from natural and man-made disasters as well as decay over time. NEH funding is indispensable to ensuring that our cultural heritage is both accessible now and preserved for future generations. The NEH funds documentary editions that make the papers of significant Americans accessible from *The Papers of John Adams* and *Civil War Governors of Kentucky to New Mexico's Amador Family Correspondence, 1856–1949*. In a partnership with the Library of Congress, the agency's Chronicling America program is digitizing the historic newspapers of every State. And the NEH helps small and mid-size institutions invest in their own preservation needs. Institutions such as Dothan, Alabama's Wiregrass Museum of Art and the Stillwater Public Library in Oklahoma have used NEH funds to help ensure their collections are protected for the future.

Funding for documenting traditional cultures and endangered languages supports Indigenous people throughout the United States. Through the Dynamic Language Infrastructure-Documenting Endangered Languages (DEL) program, a partnership with the National Science Foundation, NEH funding has preserved and made accessible languages spoken by Indigenous communities, having a profound impact on their way of life. In North Dakota, DEL grants have supported Sitting Bull College's Standing Rock Lakota/Dakota Language Project, including funds for a Master-Apprentice Language Learning Program and to expand an accessible digital language archive. NEH support for the Coeur d'Alene Online Language Resource Center helped create a single, searchable repository for a wide range of language resources, from dictionaries to archival recordings of personal narratives and coyote stories. The NEH additionally supports the documentation and revitalization of Indigenous American languages through its regular grant programs.

CULTIVATING KNOWLEDGE OF WORLD HISTORY AND CULTURES

Established in the midst of the Cold War, the NEH has always provided funding to support research and programs that help Americans understand and engage with

timely world issues. From scholarly exchanges with the Soviet Union and Eastern Europe and language institutes in the 1970s to international research support for American scholars and professional development for schoolteachers today, NEH funding supports efforts to understand other nations' languages, cultures, and geopolitical contexts. NEH funding has supported the research and publication of books such as *Treason in Transit: Soviet Defectors and the Borders of the Cold War World* (2022), by Erik R. Scott, and *Iron Curtain: The Crushing of Eastern Europe, 1944–1956* (2013)– among many other works of history that shed light on current events. NEH-supported English translations of Ukrainian literature, including *Words for War: New Poems from Ukraine* (2017) and *The White Chalk of Days: The Contemporary Ukrainian Literature Series Anthology* (2017) bring Ukrainian literature to broader American audiences.

NEH funding also provides high-quality education on world affairs for school teachers and college educators. Using the Holocaust as a case study, Kean University's 2021 two-week seminar "The Search for Humanity after Atrocity" helped higher education faculty integrate atrocity studies into their research and curricula. A 2016 program for K–12 educators, hosted by Ferris State University, explored U.S.–Russian/Soviet relations from 1776 to the present. Moreover, from 2013–2018, a series of NEH grants helped community colleges throughout the U.S. integrate the study of world cultures into their curricula. These programs included content on Latin America, Asia, Russia, Eastern Europe, and the Middle East, among other topics.

BUILDING LOCAL TOURISM ECONOMIES AND SHORING UP COMMUNITY INSTITUTIONS

NEH funding catalyzes growth in local tourism economies and shores up local institutions so that they can continue serving their communities. A series of grants to the Dubuque County Historical Society, in Iowa, helped the organization transform from a small, regional museum into a world-class institution dedicated to the Mississippi River and its history—one that contributes more than \$10.5 million per year to the local economy. NEH support has also proven crucial to Thomas Jefferson's Monticello, which is an important economic driver in its Virginia region: 50 percent of the site's 400,000 annual visitors stay in a hotel for at least one night, contributing no less than \$13.1 million to the local economy.

Humanities organizations play a crucial role in their communities, and NEH funding helps ensure their financial stability and longevity. From offering COVID relief funding to New Hampshire's Currier Museum of Art, to supporting Appalshop following historic flooding in Kentucky, NEH funding helps cultural organizations survive times of crisis. NEH funding also offers crucial financial support necessary for accomplishing the more mundane tasks that private funders often overlook, such as replacing the roof on Libby, Montana's Heritage Museum or upgrading HVAC systems and improving ADA compliance at Detroit's Opera House.

[This statement was submitted by Stephen Kidd, Executive Director, National Humanities Alliance.]

PREPARED STATEMENT OF THE NATIONAL INDIAN HEALTH BOARD

Chair Merkley, Ranking Member Murkowski, and the distinguished members of this subcommittee, on behalf of the National Indian Health Board (NIHB) and the 574 sovereign federally recognized American Indian and Alaska Native (AI/AN) Tribal nations we serve, thank you for the opportunity to provide testimony on the Indian Health Service (IHS).

Tribal nations have a unique legal and political relationship with the United States. Through its acquisition of land and resources, the United States formed a fiduciary relationship with Tribal nations whereby it has recognized a trust relationship to safeguard Tribal rights, lands, and resources.¹ In fulfillment of this Tribal trust relationship, the United States "charged itself with moral obligations of the highest responsibility and trust" toward Tribal nations.² Congress reaffirmed its duty to provide for Indian health care when it enacted the Indian Health Care Improvement Act (25 U.S.C. § 1602), declaring that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—to ensure the highest possible health status for Indians and to provide all resources nec-

¹ *Worcester v. Georgia*, 31 U.S. 515 (1832).

² *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942).

essary to effect that policy. Unfortunately, those responsibilities and legal obligations remain unfulfilled and Indian Country remains in a health crisis.

THE HEALTH STATUS OF INDIAN COUNTRY

The Centers for Disease Control and Prevention (CDC) now reports that life expectancy for AI/ANs has declined by nearly 7 years, and that our average life expectancy is now only 65 years-equivalent to the Nationwide average in 1944.³ With a life expectancy 10.9 years less than the National average,⁴ Native Americans die at higher rates than those of other Americans from chronic liver disease and cirrhosis, diabetes mellitus, unintentional injuries, assault/homicide, intentional self-harm/suicide, and chronic lower respiratory disease.⁵ Native American women are 4.5 times more likely than non-Hispanic white women to die during pregnancy.⁶ The CDC also found that, between 2005 and 2014, every racial group experienced a decline in infant mortality except for Native Americans⁷ who had infant mortality rates 1.6 times higher than non-Hispanic whites and 1.3 times the National average.⁸ Native Americans are also more likely than people in other U.S. demographics to experience trauma, physical abuse, neglect, and post-traumatic stress disorder.⁹ Additionally, Native Americans experience some of the highest rates of psychological and behavioral health issues as compared to other racial and ethnic groups¹⁰ which have been attributed, in part, to the ongoing impacts of historical trauma.¹¹ The chronic underfunding of the IHS is one significant contributing factor to this disparities.

THE RESOURCES PROVIDED TO THE INDIAN HEALTH SERVICE

Although annual appropriations for IHS have increased significantly since 2009, after adjusting for inflation and population growth, the IHS budget has remained static in recent decades.¹² In December 2018, the U.S. Commission on Civil Rights' Broken Promises report found that Tribal nations face an ongoing funding crisis that is a direct result of the United States' chronic underfunding of Indian health care for decades, which contributes to vast health disparities between Native Americans and other U.S. population groups.¹³ We saw this crisis manifest in the worst way possible during the COVID-19 pandemic, and now we see it in the data.

Supplemental appropriations enacted during the pandemic were historic investments for Indian Country. It cannot be lost to history that Congress' swift action saved lives, democracy saved lives, but it must also be clear that the IHS is so disproportionately underfunded by Congress that a historic investment in response to a global virus still provided less resources than the estimate of annual obligations for IHS services—an amount collaboratively developed each year by the IHS National Tribal Budget Formulation Workgroup.

According to IHS data from April 2022, actual IHS spending per user remains less than half of Medicaid spending per enrollee, less than half of Veterans medical spending per patient, and less than one-third of Medicare spending per beneficiary—even after including 3rd party revenue received by IHS.¹⁴ The Federal Dis-

³U.S. Department of Health and Human Services, Centers for Disease Prevention and Control, Provisional Life Expectancy Estimates for 2021 (hereinafter, "Provisional Life Expectancy Estimates"), Report No. 23, August 2022, available at: <https://www.cdc.gov/nchs/data/vsrr/vsrr023.pdf>, accessed on: October 13, 2022 (total for All races and origins minus non-Hispanic American Indian or Alaska Native).

⁴Id.

⁵See, U.S. Commission on Civil Rights, Broken Promises: Continuing Federal Funding Shortfall for Native Americans (hereinafter "Broken Promises"), 65, available at: <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>, accessed on: November 20, 2022.

⁶Broken Promises at 65.

⁷Broken Promises at 65.

⁸Broken Promises at 65.

⁹Broken Promises at 79–84.

¹⁰Walls, et al., Mental Health and Substance Abuse Services Preferences among American Indian People of the Northern Midwest, *COMMUNITY MENTAL HEALTH J.*, Vol. 42, No. 6 (2006) at 522, <https://link.springer.com/content/pdf/10.1007%2Fs10597-006-9054-7.pdf>, accessed on: November 20, 2022.

¹¹Kathleen Brown-Rice, Examining the Theory of Historical Trauma Among Native Americans, *PROFL COUNS*, available at: <http://tpcjournal.nbcc.org/examining-the-theory-of-historical-trauma-among-native-americans/>, accessed on: November 22, 2022.

¹²Broken Promises at 67.

¹³Broken Promises at 65.

¹⁴Indian Health Service, email correspondence to the National Tribal Budget Formulation Workgroup, attachment "2021 IHS Expenditures Per Capital and other Federal Care Expenditures Per Capita—4–27–2022," dated February 14, 2023.

parity Index Benchmark, which assumes IHS users are provided services similar to those available to the U.S. population, recommends more than twice the investment per user than IHS receives¹⁵—an estimate that excludes approximately two-thirds of the population that could be served by an appropriately funded IHS.¹⁶

Congress provides more than \$1 trillion in resources for Federal health care each year, it just disproportionately under funds IHS. When comparing FY 2023 omnibus spending for IHS to other Department of Health and Human Services (HHS) spending, only 0.66 percent of the total funding is provided to IHS. While this analysis of HHS spending includes spending from other Appropriations subcommittee jurisdictions, it underscores the purposeful inequity that continues to result in AI/ANs with some of the worst health statistics. Surely, this cannot be the highest possible health status promised by the United States in the Indian Health Care Improvement Act.

JUST LIKE OUR LIFE EXPECTANCY—U.S. SPENDING POLICY IS STUCK IN THE TERMINATION ERA

Regardless of the Fund source or authorizing provision, Congress is making an annual budget policy decision much like the dark Termination Era policy that we pretend is behind us. Tribes and their citizens originally had a system of health care delivery imposed on them. Meanwhile, States and local governments violated Tribes' tax jurisdiction, effectively rendering Tribal nations without a way to fund basic infrastructure and governance in often isolated and drastically reduced or wholly taken lands. As part of this imposed system, the resources provided to the IHS have been chronically underfunded and measurably unequal compared to investments in other U.S. populations. We see this systematic isolation, sovereign infringement, forced dependence, assimilation, and termination in the annual appropriations process each year. We feel it in our communities, and the outcomes and data have been placed before us. We cannot expect Tribal communities' health to improve when they are consistently starved for resources. Too often, Tribal nations are trapped in a Federal funding structure operating on the assumption that only State governments are worthy of base funding, essentially, assuming that we do not exist as jurisdictional sovereigns.

FULL FUNDING FOR THE INDIAN HEALTH SERVICE

Since 2003, Tribal leaders, technical advisors, and other policy advisors have met during the annual national Tribal Budget Formulation work session to collaboratively develop an estimate for full IHS funding. The IHS need-based funding aggregate cost estimate for Fiscal Year (FY) 2024 is approximately \$51.4 billion, and the cost estimate for FY 2025 is \$53.8 billion.¹⁷ For FY 2024 and 2025, the Workgroup continues to request the Hospitals & Health Clinics (\$13.6 billion for FY 2025) and Purchased/Referred Care (\$9.1 billion for FY 2025) IHS line items receive the largest increase. The Workgroup also continues to request the Alcohol and Substance Abuse (\$4.8 billion for FY 2025), Mental Health (\$4.5 billion for FY 2025), Indian Health Care Improvement Fund (\$3.7 billion for FY 2025), and Healthcare Facilities Construction (\$2.5 billion for FY 2025) line items receive the next largest increases for IHS. The annual Workgroup request includes a detailed justification for spending by IHS account or budget policy issue and NIHB supports the Tribally-driven, data-based cost estimates and justifications of the National Tribal Budget Formulation Workgroup for the IHS.¹⁸

MANDATORY FUNDING FOR THE INDIAN HEALTH SERVICE

IHS spending should be provided through mandatory direct appropriations with adjustments for inflation and population growth in an allocation mutually agreed to by Tribal governments. NIHB supports Tribes in their call for a direct appropriation codified in statute. Additionally, and as this subcommittee has reported for years, certain IHS account payments, such as Contract Support Costs and Payments for Tribal Leases, fulfill obligations that are typically addressed through mandatory spending. Inclusion of accounts that are mandatory in nature under discretionary spending caps has resulted in a net reduction on the amount of funding provided

¹⁵ Id.

¹⁶ The Indian Health Service estimates the population served as of January 2020 at 2.56 million; The U.S. Census Bureau estimates the AI/AN population as of July 2021 at 7.2 million.

¹⁷ Workgroup publications available at: https://www.nihb.org/legislative/budget_formulation.php, accessed on: February 26, 2023.

¹⁸ Id.

for Tribal programs and, by extension, the ability of the Federal Government to fulfill its promises to Tribal nations.

EXPAND AND SUSTAIN IHS ADVANCE APPROPRIATIONS

Until such time that IHS is provided mandatory direct appropriations, advance appropriations for the IHS are consistent with the trust and treaty obligations reaffirmed by the United States in the Indian Health Care Improvement Act. The advance appropriation enacted in the FY 2023 omnibus excluded certain accounts in the IHS budget and flat-funded the IHS accounts that it did include. While historic in its inclusion, a flat-funded IHS needs FY 2024 adjustments, at a minimum, for fixed costs and staffing for newly completed facilities and should also include the amounts requested by the IHS National Tribal Budget Formulation Workgroup. As the process begins to normalize, both IHS and Tribes have the collaborative tools to produce reliable advance appropriation requests. For this appropriations cycle, Tribes have already provided official input on the FY 2025 budget to IHS with representatives of the Office of Management and Budget in attendance.

HOLD THE INDIAN HEALTH SERVICE HARMLESS IN ANY SPENDING CUTS OR CONTROL MEASURES

The IHS budget remains so small in comparison to the National budget that spending cuts or budget control measures would not result in any meaningful savings in the National debt, but it would devastate Tribal nations and their citizens. As Congress considers funding reductions in FY 2024, IHS must be held harmless. As we saw in FY 2013 poor legislative drafting subjected our tiny, life-sustaining, IHS budget to a significant loss of base resources. Congress must ensure that any budget cuts—whether automatic or explicit—hold IHS and our people harmless. We cannot balance the budget on the backs of the First Americans.

CONCLUSION

This subcommittee can break the cycle of inequity. You can each stop terminating our people. Tribal nations seek no more than the duty affirmed and reaffirmed by the U.S. Constitution, treaties, statutes, court decisions, and Federal administrative law. The Budget Committee and Appropriations Committee must put the spending caps in place to achieve Tribal health spending equity, and this subcommittee must prioritize IHS funding within its jurisdiction. We thank you, again, for the opportunity to provide testimony and look forward to working with you for the betterment of the American people. Again, we encourage you to review in detail the Tribal Budget Formulation Workgroup's request for IHS, which is available on NIHB's website.

[This statement was submitted by William Smith of the National Indian Health Board.]

PREPARED STATEMENT OF NATIONAL PARKS CONSERVATION ASSOCIATION

Chairman Merkley, Ranking Member Murkowski and members of the subcommittee, thank you for the opportunity to submit testimony on behalf of National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. We appreciate the opportunity to provide our views regarding the National Park Service (NPS) FY24 budget and provide commentary on related agencies supporting park wildlife and resources.

We fear the impact an impending budget deal could have on the National Park Service in FY24 and even beyond. Ten years ago, the failure of the Budget Control Act of 2011 to prevent a budgetary sequester led to a six percent cut to NPS that was deeply damaging. NPS lost 1,900 permanent and seasonal staff while superintendents were forced to close facilities, reduce park or facility opening hours, eliminate visitor programs or otherwise make hard decisions that threatened resource protection and undermined visitor access. Our parks and the countless gateway economies and American families that depend on them cannot afford to again fall to the cutting room floor. The FY24 budget and appropriations process should instead allow for a needed increase for NPS.

OUR HIGHEST PRIORITY: SUPPORT FOR THE OPERATION OF THE NATIONAL PARK SYSTEM
(ONPS)

We commend the committee for increases to the ONPS account in recent years, in particular the significant \$153 million increase in FY23. These funds were direly needed to help address the challenges resulting from years of losing ground. The increase is providing for nearly 500 staff (in FTEs) that can return to parks and supporting offices to address their many urgent needs. We urge the committee to build on this increase to continue restoring staffing and provide other resources to operate our parks.

We request a \$266 million increase for ONPS above FY23 levels, which is equivalent to the president's FY24 request. There is much justification for this level of an increase. We respect, however, that this will likely be a difficult year with a constrained allocation. In this event, we urge the committee to—at a minimum—meet NPS' \$125 million in fixed costs. These fixed costs are significant because NPS is a personnel-heavy agency, which requires annual Cost of Living Adjustments, merit increases, insurance rate increases and other costs. With inflation and materials costs on the rise, superintendents also have increased costs like fuels, contracting with the private sector, and procurement. Providing for these uncontrollable costs would at least allow NPS to stay level in real terms because flat funding in reality would mean that superintendents would have to make cuts.

Unfortunately, NPS is still struggling with basic operating needs due to the impact of these uncontrollable fixed costs and the long-term erosion of staffing levels that preceded last year's increase. This understaffing is being compounded by record visitation increases. Between 2012 and 2022, NPS gradually lost 13% of its staff capacity, or nearly 3,000 FTEs. Meanwhile, visits to NPS sites grew by 10 percent. Even after the FY23 increase, NPS is still more than 2,600 FTEs below staffing levels in FY12.

High visitation and related needs further accentuate the need for a sizable ONPS increase: It would be difficult to overstate the impact of park superintendents' reduced spending power and inability to refill lapsed positions, particularly in the context of increased visitation and the challenge of adapting our parks to a rapidly changing climate. Because of insufficient personnel, sometimes compounded by the need to divert staff to high visitation, staff commonly cover multiple collateral duties. It is not uncommon to have, for example, interpretive staff addressing increased restroom use or law enforcement assisting with cars in parking lots. As a result, other needs go unaddressed and morale sinks. Natural and cultural resource protection, research and monitoring, programming, and other services central to parks meeting their mission go unaddressed or delayed indefinitely.

ONPS funding must include personnel to implement management changes including visitation planning processes needed in numerous parks. Parks have many different tools and techniques that can help protect resources and ensure a quality visitor experience, but they all require additional resources to research and implement. NPS should have the capacity to systematically study outcomes to adapt and improve plans and ensure they provide fair and equitable access for currently underrepresented communities. Funding should also provide for maintenance staff dedicated to visitor facilities and for project compliance and oversight. These challenges are discussed more below.

ONPS support for cultural resources is needed: We commend the increases appropriators have been providing for the Historic Preservation Fund. However, despite these and other investments in cultural and historic resources, the ability for NPS to staff its cultural resource operations has fallen disproportionately. Inventory and monitoring, climate-related needs, museum collections and more are all overdue for added investments through ONPS. FY24 is an opportunity to help meet these needs and highlight the importance of NPS' world-class, nationally significant cultural and historic resources through an enhanced investment in cultural resource stewardship. A significant shortfall in cultural resources funding has undermined the agency's ability to plan and manage the resources in their care. It is difficult to impossible to care for these resources when NPS has not been able to even properly inventory the resources they are tasked with stewarding. Given the threat of climate change to cultural resources under the care of NPS, we commend the president's proposed investment in Cultural Resources Climate Assessment Teams. More must be done in the coming fiscal years to bring the budgetary attention to cultural resources more on par with natural resource stewardship.

NPS Housing: Unfortunately, the lack of affordable housing facing countless Americans has been taking a toll on NPS' capacity to house its employees. Rent and home sale prices have increased prohibitively so that as staff who have long served parks retire, new incoming staff cannot afford to live near parks. In absence of hous-

ing within a reasonable commuting distance and with limited housing stock in parks, prospective park employees turn down jobs and superintendents struggle to fill positions even when funds are available. We commend the committee for its increase in FY23 for the NPS housing program and the president's requested FY24 increases. We ask the committee to continue investing in this program through multiple accounts to help address this issue.

Management Planning: We are concerned that planning is not happening at the pace needed to guide park decision-making, especially when considering the dual and intersecting challenges of climate change and skyrocketing visitation at many parks. NPS must be equipped to successfully respond to rapidly evolving and increasing visitor use to meet one of its major challenges. We urge investments to conduct research and prepare and implement visitor use management plans. Visitor experience and impacts to resources are key considerations. There are many visitors, some of whom are relative newcomers to outdoor recreation, whose behaviors can threaten not only their safety and that of search and rescue crews, but also resources, some of which are vulnerable to climate change. Concerns include disturbance to vegetation and soils, wildlife, and aquatic systems; impacts to cultural resources; human waste impacts; introduction of non-native species; and impacts to natural sounds. NPS needs support to determine carrying capacities that consider higher temperatures, fire, drought, flooding, and other climate change impacts that may compound visitation challenges.

NPS should be equipped to provide staff and resources to collect baseline data on visitation and resource conditions to inform visitor use management planning processes; enhance NPS' capacity for social science to guide visitor use management planning and adaptive management; study the application of recreation ecology science in visitor use management planning; and support coordinated regional visitor use management planning with gateway communities and other agencies. With careful planning, visitor use management tools can also help ensure fair and equitable access for young and more diverse audiences to discover their parks. NPS can also improve its communications systems to reach new and underrepresented communities.

Investing in park operations can assist NPS with needs related to climate change adaptation, resiliency and mitigation. Disaster relief funding is also critical. Our national parks are on the front lines of climate change, between storm surges, wildfire risks, and threatened wildlife habitat and irreplaceable cultural sites. Helping our parks adapt to a changing climate requires funding. These investments can be made across diverse subaccounts within park operations, including Cultural and Natural Resource Stewardship. The president's FY24 budget contains many needed investments that we support.

Among other climate-related needs, funding is vital to relocate facilities threatened by erosion and storm surges, combat invasive species, address catastrophic wildfires, provide critical air and water quality monitoring and otherwise inventory and monitor cultural and natural resources to identify threats and develop adaptive management strategies. Management planning is needed in many areas including related to climate and increased visitation.

Catastrophic weather events increasingly related to climate continue to cause massive harm to park communities and infrastructure. We commend the committee for its \$1.5 billion investment in NPS disaster relief last year, which will go a long way to address the damage that was caused to numerous parks. We hope that this year will be a less damaging one for parks and communities. However, when disasters strike, we urge the committee to respond with needed investments for our parks whether through supplementals or annual appropriations bills.

We encourage continuing support for the Heritage Partnership Program. This program supports National Heritage Areas (NHAs) in dozens of communities throughout the country. NHAs are strong examples of truly effective public-private partnerships established in support of conservation and preservation values. Heritage areas allow local experts to better protect and interpret stories and resources that are both regionally distinct and nationally significant. The Federal funding NHAs receive must be matched dollar for dollar with money from a non-federal source. We applaud the committee's \$2 million increase for this important program in FY23 and request continuing increases, in particular now that the NHA system has been formalized through legislation at the end of the last Congress.

Support for new park designations and other efforts related to diversity, accessibility and inclusion are needed. We applaud the president's proposed investment in Racial Justice and Equity for Underserved Communities Initiative to increase representation in parks and other public lands. We are particularly heartened by the funding for new parks. We ask the committee to continue its support for sites including Amache and Freedom Riders and urge that support to be extended to

Blackwell Schools and other new and emerging NPS designations. They are important to broaden the stories NPS preserves and interprets and makes NPS more inclusive, relevant and attractive to diverse audiences while more completely preserving our history. We also applaud the committee's support for DOI's efforts towards diversity, equity, accessibility and inclusion in FY23; we encourage support in FY24 for the president's budget's targeted investments seeking to make NPS a more inclusive agency.

Great American Outdoors Act: We applaud the committee's support for this important law and the oversight it has shown over its successful implementation. Give the continuing backlog, we hope members of this subcommittee will support eventual legislation we hope will be introduced to extend the law's Legacy Restoration Fund with at least an additional 5 years of funding.

Investments are needed for related agencies supporting the health of park resources and communities. We commend the committee's work to better invest in the many agencies and programs that support the wildlife, clean air and water in our parks and help understand and address climate change. Park wildlife, for example, benefit from US Fish and Wildlife Service funding. We urge the committee to make significant investments in the protection and recovery of our most vulnerable species, including the more than 600 threatened and endangered plants and animals in our National parks. The US Fish and Wildlife Service needs robust funding for Endangered Species Act programs. Investments in EPA's Geographic Programs are also critical for restoring and maintaining the health of the Great Lakes, Chesapeake Bay and other waterways and ecosystems in and surrounding units of the National Park System. There are many important investments the committee can continue to make that helps our parks adapt to climate change. For example, USGS Climate Adaptation Science Centers are critical to support climate science that benefits our National parks and their ecosystems. We applaud the support in FY23 and recommend continuing added investments for scientific support.

On behalf of NPCA and our millions of members and supporters, thank you again for your investments in our parks and consideration of the needs facing the National Park Service and related agencies and programs that protect and support our Nation's cultural and natural treasures.

[This statement was submitted by John Garder, Senior Director of Budget and Appropriations.]

PREPARED STATEMENT OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee:

I appreciate the opportunity to present the National Trust for Historic Preservation's recommendations for FY 2024 appropriations. My name is Shaw Sprague, and 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.

We offer our deep gratitude for the robust funding this subcommittee provided for all historic preservation priorities during the FY 2023 cycle. Thank you for considering recommendations made by the National Trust. We look forward to continuing our work with this subcommittee as you address the ongoing need 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.

For the fifth year in a row, we have also produced "The Preservation Budget: Select Preservation Priorities for FY 2024 Appropriations,"¹ which includes more information on the programs identified below, including funding levels over time and many remarkable examples of program successes.

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 six successive historic funding levels the subcommittee has provided to the HPF, including the FY 2023 enacted level of \$204.515 million, the highest appropriated amount in the program's history. While increased investment in the HPF has facilitated innovative and impactful historic preservation work across the country, additional appropriations are needed to ensure a more complete historic narrative is preserved for future generations and lesser-known places of historic and cultural significance may continue to enrich our communities.

¹ <https://forum.savingplaces.org/viewdocument/the-preservation-budget-fy2024>

HPF funding supports fundamental preservation activities such as surveying, 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 subcommittee's sustained support for the African American Civil Rights grants program to preserve and highlight sites and stories associated with securing civil rights for All Americans. We would also like to highlight the extraordinary impact Paul Bruhn Historic Revitalization Grants have in fostering economic development in our Nation's rural communities. The competitive grant programs within the HPF are having a transformative impact in communities throughout the country and these investments are helping preserve a broader historic narrative while revitalizing communities and creating local jobs.

State and Tribal Historic Preservation Offices (SHPOs and THPOs) are at the forefront of protecting our Nation's historic and cultural resources and are consistently asked to do more with less funding. The National Trust strongly supports addressing this unmet financial need. As Congress contemplates changes to the Federal permitting process, we urge you to consider the impact limited review times to conduct National Historic Preservation Act (NHPA) oversight will have on SHPO offices. We support efforts to identify efficiencies in Federal permitting and believe that adequate funding for SHPO offices is critical to achieving permitting reform objectives while adequately safeguarding our historic and cultural resources.

We respectfully request that Congress provide a total FY 2024 HPF appropriation of \$225 million. Within that funding, we recommend:

- \$70 million for State Historic Preservation Officers (SHPOs)
- \$34 million for Tribal Historic Preservation Officers (THPOs)
- \$28 million for competitive grants to preserve the sites and stories of efforts to advance African American Civil Rights
- \$7 million for the History of Equal Rights 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
- \$13 million for grants to Historically Black Colleges and Universities to preserve and rehabilitate historic buildings
- \$40 million for Save America's Treasures grants
- \$17 million for Paul Bruhn Historic Revitalization grants
- \$5 million for Underrepresented Community grants
- \$11 million for Semiquincentennial Grants program

National Park Service: Operation of the National Park System. Over the past 25 years, more than 50 park units have been added to the System, many of which preserve historic places and themes that have been previously underrepresented. We encourage the subcommittee to provide funding of \$3.26 billion to maintain NPS operations, ensure 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, the National Underground Railroad Network to Freedom, the African American Civil Rights Network, the Reconstruction Era National Historic Network, and the Japanese American World War II History Network.

National Park Service: Deferred Maintenance. The NPS is responsible for maintaining a system comprised of more than 85 million acres that tell the stories of remarkable people and events in our country's history. Unfortunately, after over 100 years of operation and inconsistent public funding, the NPS faces a multi-million-dollar deferred maintenance backlog. 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. We also recommend sustained increases for specific line items to ensure the maintenance backlog continues to decrease.

- Construction. We recommend \$145 million in funding 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 recommend additional increases for Repair and Rehabilitation at \$150 million and \$205 million for Cyclic Maintenance to ensure routine and emerging needs are met.

National Park Service: Cultural Programs. Within its cultural programs, the NPS manages many critical historic preservation activities, including management of the National Register of Historic Places and the National Historic Landmarks Program, certification of Federal HTC projects, coordination of Federal archaeology programs, and the administration of invaluable and targeted grant funding. These grant programs include the Native American Graves Protection and Repatriation Act Grants, Japanese American Confinement Sites Grants, American Battlefield Protection Program Assistance Grants, and many more. We also urge the subcommittee to support funding for the newly authorized African American Burial Grounds Preservation Program.

In total, the National Trust recommends \$46 million for Cultural Programs for FY 2024, which includes \$3 million for the African American Burial Grounds Preservation Program. Additional increases in this account will enhance modernization of the National Register and support sustained demands to review and approve Federal HTC projects.

National Park Service: National Heritage Areas. We recommend \$34 million for the Heritage Partnership Program and National Heritage Areas (NHAs). This level would provide funding for each of the 62 individual NHAs in 35 States, as well as NPS administrative support for coordination, guidance, assistance, and training.

Bureau of Land Management: Cultural Resources Management. The Bureau of Land Management (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. The National Trust recommends \$25 million to bolster this program.

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 recommend \$1 million in dedicated funds 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.

Bureau of Land Management: National Landscape Conservation System. The BLM's National Landscape Conservation System (National Conservation Lands) includes approximately 37 million acres of congressionally and presidentially designated lands, including National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers.

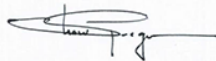
We encourage the subcommittee to provide at least \$78 million to the base program for the National Landscape Conservation System. An increase in funding will allow for greater inventory and monitoring of cultural resources in this growing system, prevent damage to the resources found in these areas, ensure proper management, and provide for a quality visitor experience.

Independent Agencies: National Endowments for the Arts and for the Humanities. We urge the subcommittee to provide no less than \$211 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 and strengthens our Nation by promoting the 'lessons of history' to all Americans. This funding has also supported efforts by the National Trust's Historic Sites and others to tell a fuller American story and engage visitors in compelling ways.

Independent Agencies: Advisory Council on Historic Preservation. We recommend \$10.5 million for the Advisory Council on Historic Preservation (ACHP). This increase would enhance the ACHP's ability to perform its essential role in ensuring 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.

We stand ready to assist the subcommittee in support of our recommendations.

Sincerely,



Shaw Sprague
Vice President of Government Relations
National Trust for Historic Preservation

[This statement was submitted by Shaw Sprague, Vice President of Government Relations.]

PREPARED STATEMENT OF NATIONAL WILDLIFE REFUGE ASSOCIATION

I 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. We request an increase in funding for the Operations and Maintenance budget of the National Wildlife Refuge System to \$1.5 billion. This includes \$560 million to address the growing staffing shortage across the Refuge System, as well as accounts for the addition of new refuge units, increased programmatic needs and visitation levels, and rising inflation since FY 2010. We also request \$20 million in LWCF funding for the Everglades Headwaters National Wildlife Refuge, \$50 million for the National Wildlife Refuge Fund, and \$75 million for the Partners For Fish And Wildlife Program.

The National Wildlife Refuge System is the Nation's only set of Federal lands dedicated to the conservation and management of America's native wildlife. It is the largest and most diverse network of conservation lands and waters in the world, encompassing more than 850 million land and marine acres across dozens of unique habitat types. Our national wildlife refuges are essential for protecting biodiversity and climate resilient habitats, providing community-driven conservation, and expanding wildlife dependent recreational opportunities nationwide. However, increased funding needs paired with an insufficient budget has led to a Refuge System that is quickly eroding in habitat management and an ability to even keep refuges open.

Wildlife refuges are economic engines for their communities. Over 64 million people annually visit the Nation's 568 refuges, which are found in every State and territory, whether for hunting, fishing, wildlife watching, education, recreation, or photography. This generates over 41,000 jobs and provides more than \$3.2 billion in economic output each year. For every dollar appropriated to the Refuge System, an average of nearly five dollars is returned to local economies.

Despite these incredible benefits to communities across the country, the biggest challenge facing the Refuge System today is a lack of funding. The \$503 million appropriated to the Refuge System in FY2010 is worth approximately \$689 million today (as of November 2022), yet actual funding sits at \$541 million—a mere 64 per acre, or \$5.46 per land acre. The failure to offset the impacts of inflation has resulted in a Refuge System long strained under the weight of critically low staffing levels and lost capacity. In this age of rapidly worsening biodiversity and climate crises, we must invest as much funding as possible today so these protected areas are available tomorrow for shifting conservation needs.

While the Refuge System has faced declining budgets over the last 13 years due to inflation, the Refuge System has still continued to grow, adding 14 new refuge units and hundreds of millions of acres of marine national monuments. It has also added new services, such as the Urban Wildlife Conservation Program launched in 2012 that seeks to address inequalities in recreational access and conservation participation. This program has dramatically changed the way conservation is delivered to communities, and visitor numbers have grown to over 67 million visitors a year in FY2022—an increase of 34% since FY2010. While the additional acreage, the creation of the urban program, and the increased visitors have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded System. These reductions have been so severe that most refuges can no longer operate effectively, efficiently, or, at times, safely. Additionally, more and more units are facing the reality of having no staff to conduct even the most basic management and public use activities.

Over 800 permanent positions have been lost since FY2011—an enormous 25% loss in capacity. Several much-needed positions are eliminated every year due to lack of funding. No refuges are fully staffed, and more than half of refuges have zero staff on site. Many refuges are closed to the public and are completely unmanaged. Today, the Refuge System is staffed by approximately 2,400 permanent staff while the actual need is estimated to be 7,300. An additional \$560 million is estimated to be needed to hire enough staff to reach full staffing capacity. As an example of these dire staffing challenges, there are currently 214 law enforcement officers patrolling 850 million acres of land and water. Excluding the water acres, that's an average of 440,000 acres per officer, leaving much of the Refuge System virtually unprotected. In many cases, one officer alone is responsible for an entire

state, with their refuge units hours away from each other. Similar examples can be made of impacts from the loss of biological, maintenance, and visitor services staff. Many volunteer programs-critical for the operation of individual refuges-have been cut back or completely eliminated due to lack of supervision from professional full-time staff.

Funding for planning has also largely been eliminated due to budget cuts. By law, the Refuge System must update their Comprehensive Conservation Planning (CCP) every 15 years. Up-to-date management plans ensure that each wildlife refuge can be adaptable to present and upcoming needs, from a changing climate and extreme weather events like wildfires, to rising recreational visitors and commercial uses. However, lack of funding has resulted in more than 40% of refuges with no current CCP. Either an existing CCP is older than the recommended 15 years or there is no plan. Not only do some wildlife refuges not have the staff or capacity to carry out a new CCP process, but some simply do not have the resources to renew these important plans. With an increased planning budget, the Refuge System could modernize and update these important management plans that help them reach their conservation goals.

The common denominator to all these challenges is a lack of funding. Adequate staffing and funding are critical to the maintenance of healthy wildlife populations and access for recreational users to healthy ecosystems. Increasing funding for the System will empower and enable individual refuge units to deliver on-the-ground conservation that benefits not only wildlife and recreation, but also local communities across the Nation.

EVERGLADES HEADWATERS NWR-THE LAND AND WATER CONSERVATION FUND

EHWNR goals include the protection of 100,000 acres with conservation easements, which protect the land from development and conserve its wildlife and water values while keeping the land in private ownership, privately managed (which reduces public costs), and on the tax rolls. An additional 50,000 acres will become (if protected) public conservation lands open to public recreational access, supported by the sportsmen's community.

EHWNR has 38 federally listed endangered species and is one of those rare refuges that can hit all of these refuge priorities: conserves or protects against threats to resources, protects ESA habitat, ecosystems, water, biodiversity, and cultural and historic resources, strengthens resilience to climate change impacts, has recreational access, benefits underserved or at-risk communities, and demonstrates strong local partner engagement and support.

The National Wildlife Refuge Association requests \$20 million in LWCF funding for the Everglades Headwaters NWR in FY2024.

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 National Wildlife Refuge Fund in FY2024.

PARTNERSHIPS—PARTNERS FOR FISH AND WILDLIFE 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 requests \$75 million for the Partners For Fish And Wildlife Program in FY2024. Such a funding level would result in an additional \$400 million worth of conservation across the Nation.

Thank you for the opportunity to submit comments on the FY 2024 Senate Interior Appropriations bill. We look forward to working with you to fund these important programs, and to bring the Refuge System back to a place where it can protect and grow our natural heritage for the 21st century. Please feel free to contact me at lmarking@refugeassociation.org for any questions.

[This statement was submitted by Libby Marking, Director of Government Affairs & Public Policy for the National Wildlife Refuge Association.]

PREPARED STATEMENT OF NATIONAL WILDLIFE REFUGE SYSTEM

On behalf of the undersigned hunting and fishing organizations, thank you for your ongoing work to enhance our Nation's prized public lands. Without a supportive budget or your efforts to maintain it, we would be unable to properly steward our waters and lands, nor could we safely fish or hunt on them. We were especially pleased to see the budget increase in Fiscal Year (FY) 2023 to \$541 million for the U.S National Wildlife Refuge System (the System) and we are extremely appreciative of the President's proposed budget of \$624 million for the System. Both these actions are strong, necessary steps to enhance this vital public land system.

We are writing today to express our support for continued funding increases to the System. As you begin work on the FY24 Interior, Environment, and Related Agencies appropriations bill, we urge you to provide the System with an even more robust funding to correct both historic underfunding and meet the growing needs of the System.

Hunting and fishing are fundamentally linked to the System, and trace back to earliest days of the refuge System. With the passage of the Wildlife Refuge Improvement Act of 1997, Congress recognized wildlife-dependent recreational uses—which includes hunting and fishing—as priority uses in refuge planning and management. Therefore, ensuring accessible opportunities to fish and hunt on wildlife refuges continue to grow remains critically important for our organizations. We applaud the Biden Administration decision to open over 2 million acres in the System to angling and hunting, and deeply appreciated the Trump Administration actions to open 2.3 million acres. These activities provide the opportunity for more citizens to safely enjoy wildlife refuges with their families and bolster the strong contributions outdoor recreation provides for our economy and local communities.

Despite its many benefits for hunters and anglers, the System is at risk. Since 2010, visitation to the System has increased 38 percent, now hosting over 65 million annual visitors. At the same time, the System's budget has remained generally stagnant, not growing alongside the System's expanding needs. This funding crisis has led to a loss of over 800 full time employees throughout the System, including law enforcement officers who serve to maintain visitor and community safety on refuge lands. On some refuges, lack of funding means, there are no full-time, on-site staff. The funding shortfalls hamper the System's ability to uphold its conservation mission—many wildlife refuges have been unable to keep management plans current. Over 40 percent of these plans, known as Comprehensive Conservation Plans, are outdated despite their requirement by law to be revised every 15 years. As such, refuge management is not keeping pace with today's challenges and opportunities.

Since its establishment in 1903, the System has been our best example of how to balance conservation and recreation on Federal public lands. To date, there are 567 wildlife refuges that manage 760 million marine acres and 95 million land acres. With its primary mission of conservation, the System helps conserve 2,000 different species, including 1,000 species of fish, 700 species of birds, 250 species of reptiles and amphibians, and 220 species of mammals. Currently, 75 percent of wildlife refuges are open to the public, with 376 open to angling, 427 open to hunting, and 101 urban refuges.

As stewards who care about the wellbeing of our wildlife, fish, lands, and waters, it is critical that opportunities to hunt and fish on responsibly managed refuges continue to grow. With a significant increase in appropriations to the System, vacant positions can be filled, conservation goals can be reached, management plans can be updated, and more people can enjoy all these prized waters and lands have to offer.

Thank you for your consideration of this request. We look forward to continued collaboration honoring this System.

Sincerely,

American Sportfishing Association	Orion: The Hunter's Institute
Archery Trade Association	Pheasants Forever
Association of Fish & Wildlife Agencies	Pope & Young Club
Backcountry Hunters & Anglers	Quail Forever
California Waterfowl	Ruffed Grouse Society and American
Congressional Sportsmen's Foundation	Woodcock Society
Delta Waterfowl	Safari Club International
Ducks Unlimited	Texas Wildlife Association
Houston Safari Club	The AFFTA Fisheries Fund
Izaak Walton League of America	The Conservation Fund
Minnesota Prairie Chicken Society	The Wildlife Society
National Bobwhite & Grassland	Theodore Roosevelt Conservation
Initiative	Partnership
National Deer Association	Trout Unlimited
National Shooting Sports Foundation	Whitetails Unlimited
National Wild Turkey Federation	Wild Sheep Foundation
National Wildlife Federation	Wildlife Forever
North American Grouse Partnership	Wisconsin Sharp-tailed Grouse Society

[This statement was submitted by Trout Unlimited, Grace Olscamp.]

PREPARED STATEMENT OF NATIONAL WILDLIFE REFUGE SYSTEM

Federal public lands make up thirty percent of Montana. While public lands provide invaluable hunting, fishing and outdoor recreation opportunities and contribute to local economies, these lands are not part of the tax base, impacting county budgets and the ability to provide essential services for our citizens. With a supportive Federal budget that includes Federal land payments and funding for proper land management, we can both enjoy the benefits of public lands and receive much-needed revenue for essential services like schools and roads. We appreciate the work you have done to steward these lands and waters.

Fulfilling its role as a good neighbor, the Federal Government provides annual payments to counties and local governments for their tax-exempt lands. Within the U.S. National Wildlife Refuge System, this payment program is called the Refuge Revenue Sharing Fund (RRS), which complements other programs like Payments in Lieu of Taxes. We are writing to express our support for increasing appropriations to RRS for Fiscal Year (FY) 2024 while opening a dialogue on how to permanently improve this program. As you develop appropriations bills, we hope you will provide RRS with additional funds.

In Montana, we have 20 Wildlife Refuges which account for 1.15 million acres of land in the state. On them, we find respite and make memories on pristine landscapes brimming with wildlife and fish. Our Wildlife Refuges are hidden gems of recreation where we can still enjoy wild places. In 1935, when the Refuge Revenue Sharing Act became law, Wildlife Refuges became more than a place to enjoy—they became an integral part of our communities. Annual RRS payments help fund public needs such as schools, roads, social services, police departments, and fire departments. Of Montana's fifty-six counties, thirty receive RRS payments. However, a lack of appropriations from Congress and resistance to reforming RRS means that annual payments have fallen short.

RRS is funded through commercial net receipts from Wildlife Refuges and Congressional appropriations when collected fees fall short. In FY21, counties were authorized to receive \$80 million in RRS funds, but net receipts only totaled \$4.3 million, and Congress appropriated \$13.2 million. Thus, in FY21, RRS only provided \$17.5 million in funding, 21.9% of the authorized amount. Every year since 2014, despite net receipts and allowed amounts that generally increased, Congress has only appropriated \$13.2 million. Since 2003, less than 50% of the authorized amount has been paid to counties.

While some densely populated Wildlife Refuge communities may be able to make up for this difference through visitor expenditures, rural Wildlife Refuge communities cannot. The impact of these lost funds hurts our ability to provide public services. Congress should enact long-term solutions to this issue, namely reforming the RRS formula, which will provide fair and predictable funding. However, these legislative efforts require significant time to see through to fruition and the lack of funds is felt now. For example, Beaverhead County in 2022, where the Red Rocks National Wildlife Refuge is located, should have received \$194,059, 60% of which is allocated for the Lima Public School District. However, due to the RRS being underfunded, Beaverhead County received only \$41,913, leaving the Lima Public School District with only \$25,147. This insufficiency creates problems for the school district in the

County. Increasing RRS funding for FY24 and the following years will immediately improve community health while we collaborate with leaders like you on long-term solutions.

Thank you for your consideration of this request. We look forward to continued coordination.

Sincerely,

Beaverhead County Commission
Montana Association of Counties
Montana Wildlife Federation
National Wildlife Federation
Theodore Roosevelt Conservation Partnership

[This statement was submitted by Grace Olscamp, Trout Unlimited.]

PREPARED STATEMENT OF THE NATURAL SCIENCE COLLECTIONS ALLIANCE

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2024 appropriations for the Smithsonian Institution and the Department of the Interior. We encourage Congress to make new investments that address agency backlogs and secure future efforts for the preservation, curation, growth and study of scientific and cultural collections within the Department of the Interior and the Smithsonian Institution. We request that Congress provide the National Museum of Natural History with at least \$60 million in FY 2024, with new funding to correct for a lack of adequate increases in recent years. Please provide the United States Geological Survey (USGS) with at least \$1.85 billion in FY 2024, with increased support for collections related activities.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our membership consists of institutions that are part of an international network of museums, botanical gardens, herbaria, universities, and other institutions that contain natural science collections and use them in research, exhibitions, academic and informal science education, and outreach activities.

Scientific collections, and the collections professionals and scientists who make, care for, and study these resources, are a vital component of our Nation's research infrastructure. These collections and their associated experts contribute to the expansion of our bioeconomy. Whether held at a museum, government managed laboratory or archive, or in a university science department, these scientific resources form a coordinated network of specimens, samples, and data (for example, genetic, tissue, organism, and environmental) that are a unique and irreplaceable foundation from which scientists are studying and explaining past and present life on earth.

Preservation of specimens and the strategic growth of these collections are in the best interest of science and the best interest of taxpayers. Existing scientific collections that are properly cared for and accessible are a critical component of the US science infrastructure and are readily integrated into new research on significant questions. Specimens that were collected decades or centuries ago are now routinely used in research in diverse fields related to genomics, human health, biodiversity sciences, informatics, environmental quality, and agriculture.

According to the U.S. Interagency Working Group on Scientific Collections (IWGSC), "scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise." A 2020 report by the IWGSC highlights the long-term benefits of scientific collections and presents a framework for estimating and documenting these benefits, both monetary and non-monetary, generated by Federal institutional collections. Additional recent reports have highlighted the value of mobilizing biodiversity specimens and data in spurring new scientific discoveries that grow our economy, improve our public health and wellbeing, and increase our National security.

In 2019, the Biodiversity Collections Network (BCoN) issued a community informed call for the development of an Extended Specimen Network. The report, *Extending U.S. Biodiversity Collections to Promote Research and Education*, outlined a national agenda that leverages digital data in biodiversity collections for new uses and called for building an Extended Specimen Network: "Science and industry rely on physical specimens housed in U.S. biodiversity collections," the report suggests. "Rapid advances in data generation and analysis have transformed understanding of biodiversity collections from singular physical specimens, to dynamic suites of interconnected resources enriched through study over time. The concept of the 'extended specimen' conveys the current perspective of the biodiversity specimen as ex-

tending beyond the singular physical object, to potentially limitless additional physical preparations and digital resources.” This endeavor requires robust investments in our Nation’s scientific collections, whether they are owned by a Federal or state agency or are part of an educational institution or free-standing natural history museum or other types of research or educational centers.

A 2020 report by the National Academies of Science, Engineering and Medicine (NASEM), *Biological Collections: Ensuring Critical Research and Education for the 21st Century*, provided guidance to the NSF regarding the sustainability of living stock and natural history collections. It argued that collections are a critical part of our Nation’s science and innovation infrastructure and a fundamental resource for understanding the natural world. The report’s recommendations for establishing an action center for biological collections and requiring specimen management plans for research proposals generating new specimens underscore the importance of biodiversity specimen collections and have been supported by the CHIPS and Science Act. Such a center will provide leadership, support, and coordination for federal, non-federal, and private collections and encourage transformative research to address persistent grand-challenge questions in human health, bioeconomy, climate change, and pharmaceutical discovery.

The NASEM, BCoN, and IWGSC reports articulate a common vision of the future of biological collections and define a need to broaden and deepen the collections and associated data to realize the potential for biodiversity collections to inform 21st century science. Collections are a critical resource for advancing the knowledge needed to address current global challenges such as climate change, biodiversity loss, and pandemics. The COVID–19 crisis has demonstrated how humans are inextricably part of the natural world. Biological collections, their extended data, and the experts that build and study them are globally important for understanding where viruses such as SARS-CoV–2 exist in nature or when they cross from their current hosts to humans.

The Smithsonian Institution’s National Museum of Natural History (NMNH) is the central Federal partner in the curation and research on scientific specimens. Scientists at the NMNH care for 146 million specimens and ensure that the institution remains a global leader in scientific research and public engagement. To increase the availability of these scientific resources to researchers, educators, other Federal agencies, and the public, NMNH is working on a multi-year effort to digitize its collections. Funding is required to ensure this work is completed.

The National Museum of Natural History is also working to strengthen curatorial and research staffing and to backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections. Future curatorial and collections management staffing levels may be further jeopardized given insufficient funding increases in recent years. This lack of funding for collections care jeopardizes our bioeconomy at a time when critical investments are needed to leverage our network of collections to address the myriad issues facing the country.

Interior is an important caretaker of museum collections as well; the Department and its bureaus collectively manage an estimated 206 million museum specimens. Although many of the department’s collections are located in bureau facilities, numerous artifacts and specimens are cared for in non-governmental facilities, such as museums and universities. The Interior Museum Program supports these collections by providing oversight, policy development, advocacy, technical assistance, training, and data management support.

In addition, the USGS furthers the preservation, inventory, and digitization of geological scientific collections, such as rock and ice cores, fossils, and samples of oil, gas, and water. The National Geological and Geophysical Data Preservation program helps States with collections management, improves accessibility of collections data, and expands digitization of specimens to ensure their broader use. One example of the returns from this program is the potash mineral deposit discovered in Michigan that is valued at an estimated \$65 billion. Rock samples from Michigan were entered into a national database, where private companies discovered the deposit’s existence and are now assessing the potential for mining.

USGS supports the documentation and conservation of native pollinators through its Native Bee Inventory and Monitoring Lab (BIML). Pollinators, such as bees, are critical components of ecosystems and play an integral role in wildlife and habitat management and restoration. Three-fourths of the world’s flowering plants and about 35 percent of the world’s food crops rely on pollinators to reproduce. Given that pollinator populations are in decline globally, BIML’s work in developing a nationwide method to inventory and monitor bee population trends on public lands is crucial.

USGS has more than a million specimens of birds, mammals, amphibians, and reptiles that are housed at the Smithsonian's National Museum of Natural History. The Biological Survey Unit (BSU) consisted of USGS scientists stationed at the NMNH, where they conducted research on USGS-specimens of fish, reptiles, birds, and mammals that are curated at the NMNH. This arrangement went back to 1889. These specimens, data, and the research they enable are required to inform Department of the Interior land and natural resource management decisions, and often also support decision-making by State and Tribal governments. With the BSU eliminated, the Smithsonian has taken over care of these collections. The work that BSU supported and conducted at the NMNH was important and in the National interest.

The Bureau of Land Management manages nearly 4 million museum objects and archives and has a large backlog of cultural resources to inventory on public lands. Currently, only about 11 percent of public lands have been assessed for heritage resources. Such assessments need to be conducted before unique resources are lost to looting, vandalism, fire, or environmental change.

The National Park Service must continue its investments in scientific collections into the future in order to monitor the Nation's protected natural heritage, which means cataloging millions of museum objects and connecting the resulting databases to national and global data portals to monitor changes through time. The National Park Service curates a wide range of specimens and artifacts, from historical and cultural items to preserved tissues from protected species and living microorganisms collected in our National Parks. Several parks have made progress on addressing planning, environmental, storage, security, and fire protection deficiencies in museum collections, but much work remains, and present and future collections will be fundamental for effective management efforts.

CONCLUSION

Scientific collections are critical research infrastructure that help support the Nation's bioeconomy. Research specimens connect us to the past and are used to document and solve current problems. They allow us to predict threats to human health, find successful methods for ensuring food security, and address the impact of future environmental changes. Sustained investments in scientific collections are in our National interest. We also see these investments as critical for our efforts to grow diversity and inclusion in the scientific workforce.

The budget for NMNH has not seen adequate increases in recent years. We urge Congress to provide NMNH with at least \$60 million in FY 2024 to allow the museum to undertake critical collections care, make needed technology upgrades, and conduct cutting edge research. Please support adequate funding for programs within Interior bureaus that support the preservation and use of scientific collections—a truly irreplaceable resource. We urge Congress to provide the USGS with at least \$1.85 billion in FY 2024, with increased support for collections.

Thank you for your thoughtful consideration of this request.

[This statement was submitted by Gil Nelson, Ph.D., President, Natural Science Collections Alliance.]

PREPARED STATEMENT OF THE NATURE CONSERVANCY

Chair Merkley, Ranking Member Murkowski and members of the subcommittee, thank you for the opportunity to submit recommendations for fiscal year 2024 (FY24) appropriations. The Nature Conservancy (TNC) is a nonprofit conservation organization working around the world to protect ecologically important lands and waters for people and nature. TNC appreciates Congress's work to pass the bipartisan Infrastructure Investment and Jobs Act in 2021 and the Inflation Reduction Act in 2022. These investments in our natural systems will help bolster resiliency, respond to climate change, and, if equitably implemented, aid socially and economically disadvantaged communities. These investments complement but do not supplant the need for ongoing program funding through the appropriations process. Indeed, a robust appropriations package will serve as the foundation for implementing these bills and ensuring long-term success for critical programs under the subcommittee's jurisdiction.

Land and Water Conservation Fund (LWCF). Passage of the Great American Outdoors Act and the dedicated funding of LWCF positions the program to provide more support for landscape-level conservation, working forests and ranchlands, access to the outdoors for underserved communities, climate resilience, conservation of historical and cultural sites, and advancing the America the Beautiful initiative. However, project demand in every State and county continues to far outstrip the \$900 million

a year in available funding for the program. TNC appreciates the continued support from Congress to improve the appraisal process and real estate policies of the agencies delivering the LWCF programs. While there is more to do, the organization is grateful for the subcommittee's efforts to lay the foundation for ongoing work with the agencies.

Forest Restoration and Fire. TNC also recommends funding for U.S. Forest Service (USFS) and Department of the Interior (DOI) programs that address catastrophic megafires, pests and drought—all impacts exacerbated by climate change—in our forests. TNC supports substantial reinvestments in programs that increase forest resilience, specifically those that support collaboratively developed, science-based, climate-informed and ecologically focused activities across all forests. These programs not only contribute to forest resilience but also create jobs, support local economies and reduce wildfire risk to communities, among other benefits.

TNC's funding recommendations for the USFS are based on the modern budgeting practices undertaken by USFS. The organization also recommends increased salaries and expenses proportional to any program increases, as well as directing the USFS and DOI to identify and prioritize projects based on best-available climate vulnerability, watershed conditions, and fire risk assessments.

Investing in Wildfire Resilience. Congress took a major step toward stabilizing the USFS and DOI budgets with the 2018 “fire fix,” for which TNC continues to be thankful. The organization urges Congress to ensure the fire fix remains durable and comprehensive. An estimated 50 million acres are in critical need of wildfire resilience treatments across all forests due to the impacts of these challenges. A TNC report recommends an investment surge of \$5–6 billion per year over the next 10 years for the highest-priority work of increasing wildfire resilience and providing communities with much-needed resources for infrastructure and adaptation.

TNC recommends investing in the USFS's Hazardous Fuels Program at \$323 million and DOI's Fuels Management Program at \$293 million. In addition, TNC urges the subcommittee to repeat its FY21 instructions for allocating funds to priority landscapes in both wildland-urban interface and wildland settings for prescribed burning. TNC also supports fully funding the Collaborative Forest Landscape Restoration Program at \$80 million, and State Fire Assistance at a minimum of \$76 million. TNC appreciates the critical investment in Burned Area Rehabilitation in the IJA supporting forest recovery. This is a significant management need and has been historically overlooked. TNC supports sufficient funding for post-fire restoration for Burned Area Rehabilitation activities in FY24.

Investing in Ecosystem Restoration, Reforestation and Planting. TNC supports sufficient funding for programs that enhance water quality, biodiversity, and forest health. TNC additionally recommends funding the Urban and Community Forestry program at a minimum of \$40 million to support the increase in tree cover in urban landscapes to improve air quality, reduce electricity, and help cities mitigate stormwater and floodwater.

Research and Planning. TNC recommends sufficiently funding research programs to include the USFS Research and Development Program (with carve-outs for climate research and climate hubs), Forest Inventory and Analysis (FIA), and Joint Fire Science for USFS and DOI. The Research and Development Program offers a vital scientific basis for policies that improve the health and quality of urban and rural communities. Advances in FIA technology in measuring and monitoring are critical for public and private forest carbon management. Investments in the Joint Fire Science programs would provide competitive and focused applied science solutions to improve the management of forests and watersheds while protecting communities, water and air through interagency partnerships. TNC also recommends sufficiently investing in land management planning, inventory, and monitoring. USFS must update many outdated forest plans and increase its efforts to appropriately incorporate climate change into land management planning and project-level documentation under the National Environmental Policy Act.

Endangered Species. TNC supports continuing funding of at least \$60 million for the Cooperative Endangered Species Conservation Fund. This funding supports critical matching grants to States and territories for conservation and species recovery efforts on non-federal lands. TNC requests the subcommittee's continued support for Habitat Conservation Plan (HCP) funding and HCP Land Acquisition Grants.

State and Tribal Wildlife Grants. Substantial Federal investments are essential to support strategic actions by State, Tribal and Federal agencies, and the conservation community, to protect wildlife and their habitats. TNC appreciates the continued support from members of this subcommittee to address these significant funding needs through its work to pass the bipartisan Recovering America's Wildlife Act (S. 1149).

Wildlife Conservation Programs. TNC urges the subcommittee to continue funding for North American Wetlands Conservation Act grants, the Neotropical Migratory Bird Conservation Fund, Migratory Bird Joint Ventures, U.S. Fish and Wildlife Service (FWS) Migratory Bird Management Programs and FWS Coastal Program at no less than the FY23 funding levels. Likewise, TNC supports continued strong funding for the Partners for Fish and Wildlife Program, the Cooperative Landscape Conservation and Adaptive Science programs and the National Fish Habitat Initiative.

International Programs. The international conservation programs appropriated annually within DOI and the USFS encompass DOI's Office of International Affairs, FWS Multinational Species Conservation Funds, FWS Wildlife Without Borders regional and global programs, the National Park Service's International Program and the USFS International Program. TNC requests increases over FY23 funding levels for these programs and for implementation of the Lacey Act to manifest U.S. leadership in addressing the dual crises of biodiversity loss and climate change globally.

National Wildlife Refuge System. Found in every State and territory, national wildlife refuges conserve the diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairies and forests. TNC supports increased funding for the system's operations and maintenance accounts to meet the well-documented needs of the National wildlife refuge system. At a minimum, funding for the program should be maintained at FY23 enacted levels.

Sage Grouse Conservation. TNC requests \$85 million to support the implementation of the Greater Sage-grouse Conservation Strategy (BLM: \$75 million, FWS: \$5 million, U.S. Geological Survey (USGS): \$5 million). These resources are needed to implement on-the-ground projects and monitor habitat treatments, address rangeland fire and noxious and invasive grasses, fund suppression and restoration efforts and facilitate the partnership and science necessary for effective conservation in western States. TNC continues to request the removal of language that would bar FWS from proposing a rule to list the Greater Sage-grouse under the Endangered Species Act from the FY24 bill.

BLM Land Management and Renewable Energy Development. TNC supports ongoing work to expedite renewable energy development, including funding to operationalize the Renewable Energy Coordination Offices and regional clean energy plans. TNC recommends robust funding to support BLM's thoughtful planning and management of public lands. This includes the National Landscape Conservation System (no less than FY23 level of \$62 million), the Resource Management Planning (no less than FY23 level of \$69 million), the consolidated Wildlife and Aquatic Habitat Management budget line (\$150 million) and the Renewable Energy Development program (\$35 million).

U.S. Environmental Protection Agency's (EPA) Geographic Programs. TNC urges the subcommittee to continue robust funding for EPA's geographic programs, including the Great Lakes Restoration Initiative and the Chesapeake Bay, Puget Sound, Long Island Sound and Gulf of Mexico programs, to make significant contributions to protecting habitat, improving water quality and enhancing resilience in the large landscapes they encompass.

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 the recovery of four threatened and endangered fish species in the upper Colorado River basin. The FWS budget includes approximately \$1.5 million to support these programs as well as fish hatchery needs associated with the recovery plans. TNC requests the subcommittee maintain this funding in FY24.

Restoring Rivers and Streams. Removing problematic dams and upgrading culverts can improve public safety and provide environmental and social benefits. TNC recommends at least level funding at \$35 million for the FWS National Fish Passage Program and robust funding to support the USFS restoration of streams by removing and restoring dam and culvert barriers through programs including the Legacy Roads and Trails program, State and Private Forestry programs and National Forest System programs such as Vegetation and Watershed Management. Demand for aquatic connectivity funds far exceeds the amount of funding available as demonstrated by applicants in one region alone of FWS requested \$110 million this year for the Investment in Infrastructure and Jobs Act-funded portion of the National Fish Passage Program.

Federal Priority Streamgage (FPS) Network. USGS operates the FPS Network to provide continuous streamflow information at over 8,400 locations nationwide. TNC supports \$32 million for the FPS Network to maintain existing gages. TNC also requests \$68 million in Cooperative Matching Funds (CMF) for streamgaging and pro-

tecting the approximately 5,275 CMF-supported streamgages already in place and functioning nationwide. Lastly, TNC supports \$35 million for the Next Generation Water Observation System to expand this program and allow USGS to modernize water data delivery systems across the United States.

3D Elevation Program (3DEP): 3DEP sponsors satellite topographical mapping that provides communities with high-quality elevation mapping. This mapping provides critical information that communities need to assess and develop strategies to abate various challenges such as flood risk, drought, coastal and riverbank erosion, and inform investments in infrastructure and water resource management and protection, and much more. In addition, 3DEP provides USGS and other Federal agencies with the best scientific information to prepare for threats from natural hazards. Knowledge of flood risks and natural hazards can help prevent communities from developing in unsafe areas and allow risk mitigation in developed areas. TNC supports continued funding of \$42.9 million in FY24 for 3DEP to promote resilient communities and environments.

Thank you for the opportunity to submit TNC's recommendations for the FY24 Interior, Environment and Related Agencies Appropriations Bill.

[This statement was submitted by Brent Keith, Federal Lands Policy Team Lead, The Nature Conservancy.]

PREPARED STATEMENT OF NAVAJO AGRICULTURAL PRODUCTS INDUSTRY

On behalf of the Navajo Agricultural Products Industry (NAPI) please find below our requests for the Fiscal Year (FY) 2024 Interior, Environment, and Related Agencies appropriations bill.

As you know, NAPI is an agricultural enterprise wholly owned by the Navajo Nation that manages over 70,000 acres of farmland. We employ 300 people annually and an additional 350–375 seasonal workers during harvest. NAPI's crops include potatoes, wheat, beans, alfalfa, chili, organic watermelon, organic squash, sumac, and corn.

In 1962, Public Law 87–483 authorized the development of 110,630 acres of farmland and an annual diversion of 508,000 acre-feet of water from the Navajo Reservoir to Navajo Indian Irrigation Project (NIIP) lands in exchange for the 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 the Navajo Agricultural Products Industry (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.

Approximately 35,000 of the 110,630 acres of farmland authorized for construction under Public Law 87–483 (also referred to as the NIIP Act) remain undeveloped. Funding to build out the NIIP and increase farming capacity is critically needed. Appraisal level costs provided by the US Bureau of Reclamation estimated \$985 million to complete the project in 2019 costs. It should be noted that the basis of the estimate for the CCE (Construction Cost Estimates) assumed an estimated \$35 million in yearly appropriations with an estimated completion date of 2059. Additionally, under an existing Indian Self-Determination and Education Assistance Act (ISDEAA) contract, the Federal Government is obligated to cover the NIIP's operations and maintenance (O&M) expenses. However, the BIA has failed to keep pace with increasing O&M expenses for the NIIP and other Indian Irrigation Projects, thus failing in its trust responsibility. The NIIP Condition Assessment, which was conducted by the Bureau of Indian Affairs in 2016, estimates over \$175 million in remediation costs resulting from an extensive deferred maintenance backlog. Increased funding is desperately needed to ensure the NIIP remains operating at necessary levels.

NAPI respectfully requests that the subcommittees ensure the Federal Government upholds its trust responsibility to the Navajo Nation with increased funding to the three programs below in the FY 2024 Interior, Environment, and Related Agencies Appropriations bill:

1. Full funding of the NIIP O&M expenses in FY 2024. Due to a continued lack of past necessary funding, total funding needs for NIIP's O&M will be \$8.1 million in FY 2024. We therefore request the Natural Resources Management, Irrigation Operations & Maintenance funding be increased to \$25.5 million total in FY 2024. This increase will ensure that the NIIP receives enough funding to continue to operate at maximum levels.
2. Increased funding for the WIIN Act, Public Law 114–322, Title III, Subtitle B, Irrigation Rehabilitation and Renovation for Indian Tribal Governments and

their Economies from \$10 million annually to \$35 million annually. These provisions of the WIIN Act provide Indian Irrigation Projects with funding to address deferred maintenance.

3. NAPI is ready to complete Block 9 stage 2 and 3 of the NIIP but lacks obligated funding from the Federal Government to do so. We respectfully request that the Resources Management Construction fund be increased to \$110 million in FY 2024 and that the NIIP be funded at a minimum of \$12 million from this fund.

The Navajo Nation has not received all of what it was guaranteed in the NIIP Act or in our ISDEAA contract with the Federal Government. As a result, we are leaving valuable land unfarmed and Navajo Nation water rights entitlements unused. In addition, NAPI is forced to cover the government's O&M funding shortfalls. NAPI is requesting what was promised over 60 years ago.

All three of these requests are important to the continued operation and expansion of the NIIP and the Navajo Nation's farm system. Thank you for your consideration of our requests.

[This statement was submitted by Dave Zeller, Chief Executive Officer Navajo, Agricultural Products Industry.]

PREPARED STATEMENT OF THE NEZ PERCE TRIBE

Thank you for the opportunity to provide this testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2024 appropriations. This testimony covers funding for the needs of Tribal Nations regarding the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), Environmental Protection Agency (EPA), Forest Service, and the U.S. Fish and Wildlife Service (USFWS).

The Nimiipuu people 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 government, and all members of our communities. We are deeply grateful that the many funding increases to Tribal programs in the final FY 2023 appropriations build on the increases Congress provided in FY 2022.

Like any government, the Tribe performs a wide array of work and provides a multitude of services to its Tribal membership as well as the community at large. The Tribe has a health clinic; a Tribal police force; a social services department; and a comprehensive natural resources program that does work related to forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality, and sewer service. The Tribe also operates one of the largest fisheries departments of any Tribe in the Nation working on the recovery of listed species under the Endangered Species Act. Each of these programs is necessary and vital for the Tribe as a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to our members and surrounding communities.

The Tribe has long been a proponent of self-determination for Tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our members. All the Tribe's work is guided by this principle. The Tribe works extensively with many Federal agencies and proper funding for those agencies and their work with, for, and through Tribes is of vital importance. To accomplish this work, as members of this subcommittee frequently note, the U.S. must affirm its trust responsibility to Indian Tribes by properly funding programs. The impact of such underfunding was documented in the 2018 report of the U.S. Commission on Civil Rights, *Broken Promises*. This report was updated in 2020 to show how this chronic underfunding exacerbated the impact of the COVID-19 pandemic in Indian Country.

BUREAU OF INDIAN AFFAIRS

The Tribe requests that overall funding of \$3.8 billion for the BIA and Bureau of Indian Education in FY 2023 be maintained in FY 2024. The Tribe also supports the indefinite appropriation for contract support costs at \$328 million for BIA in FY 2024. The Tribe also recommends that these costs should be reclassified from discretionary to mandatory.

In relation to the BIA Public Safety and Justice account, the Tribe advocates for maintaining funding for law enforcement that was enacted for that account in FY 2023. The Nez Perce Reservation spans 1,200 square miles, covering five counties, and has a mixture of Tribal and non-Tribal residents. The Tribe provides a full-serv-

ice law and justice program and recently completed construction of a jail facility. The Tribe has a fully trained and staffed police force, a fully staffed Tribal court, a prosecutor, a public defender, and other personnel that perform related administrative functions. The Tribe received just over \$1,382,595 in BIA base funding and \$990,238 in BIA direct Contract Support Cost funds. Currently, the Tribe contributes \$1,179,941 to cover the shortfall in BIA funding for the Tribe's law enforcement and corrections, \$745,624 for judicial services/probation, \$480,040 for prosecutorial services, \$318,057 for public defender services, and \$486,046 for prisoner boarding. This supplemental funding is derived from Tribal taxes on goods and fuel and Tribal gaming revenues that would otherwise be used for Tribal governmental services. Funding for these programs, including additional funding to operate the new jail facility, needs to be maintained and ultimately increased to account for shortfalls in funding the Tribe must absorb to continue the operation of these important services on the Reservation.

The Tribe also relies on the BIA for funding for our work related to endangered species and protection of the Tribe's Treaty resources, including Chinook and steelhead salmon. The funding is used to supplement research efforts of the Tribe relative to other sensitive species. The Tribe recommends a \$1 million increase for the BIA Endangered Species Program. This account provides the Nez Perce Tribe with technical and financial assistance to protect endangered species on trust lands. Also, the Tribe recommends an increase of \$2.8 million for BIA Natural Resource Tribal Priority Allocations which will help increase Tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection Implementation account is critical to support the exercise of treaty-reserved, off-reservation hunting and fishing for Tribes. The Tribe supports, at a minimum, the \$49.2 million in funding provided in FY 2023. These funds provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the Tribe's fisheries management responsibilities as established by the Nez Perce Treaties of 1855 and 1863 and further delineated in court decisions regarding implementation of hunting and fishing Treaty rights. It is also important to understand that this funding is used for job creation.

The Tribe supports maintaining the FY 2023 funding for the BIA Fish, Wildlife and Parks account. The Tribe, through our fisheries programs, has invested a significant amount of personnel and resources into the restoration of salmon. The States of Oregon, Washington, and Idaho, as well as sports fisheries, directly benefit from this work. These programs have been successful with funding under the Tribal Management and Development Program which is critical for the Tribe's management of fish and wildlife. We recommend funding a \$4 million increase over FY 2023 funding for the Tribal Management and Development Program.

The Tribe recommends continued funding for the Columbia River In-Lieu Treaty Sites by supplementing the \$4.5 million provided in FY 2023 to implement the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act

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.

The Tribe applauds the \$7 billion provided for FY 2023 and the advanced appropriations for FY 2024 of \$5 billion. We recommend maintaining these levels going forward, but it must 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 purchased/referred care (P/RC) since this funding has not adjusted with inflation. The Tribe recommends that this \$996.7 million allocation be substantially increased to continue to meet the P/RC spending needs of Tribal health facilities caused by medical inflation.

The Tribe supports the funding for contract support costs for FY 2023 of \$969 million. 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 current 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 increases to the \$111 million provided in FY 2023 for 105(l) lease costs and to make the funding mandatory.

U.S. FISH AND WILDLIFE SERVICE

The Tribe relies heavily on funding sources within the USFWS. First, the operations of Kooskia National Fish Hatchery are funded by the USFWS. The Tribe manages the hatchery pursuant to the terms of the Snake River Water Rights Act of 2004 (Act). The hatchery is in dire need of a new water supply to reduce the extraordinary amount of sediment that accumulates in the current water at the facility so the Tribe can continue to meet its production goals. The USFWS should be allocated adequate funding for the operations of this important facility to ensure the United States meets its obligations under the act.

Second, the USFWS-administered State and Tribal Wildlife Grants program is an important and cost-effective expenditure for the Federal Government and is one of the few sources of funds Tribes can tap into for wildlife research. Over the last several years, the Tribe has received grants funding for work on diverse issues such as rare plant conservation and Condor habitat research. Continued funding for the State and Tribal Wildlife Grants program will allow recipient Tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this subcommittee to not reduce, but instead increase, funding for these competitive grants to \$75 million and increase the Tribal share to \$6.5 million.

ENVIRONMENTAL PROTECTION AGENCY

The Tribe works closely with EPA on many programs that are essential to the health and safety of the 18,000 Tribal and non-Tribal citizens residing within the Nez Perce Reservation. These programs also protect the Treaty-reserved resources of the Tribe that the United States has a trust obligation to preserve. These programs include: the Clean Water Act 106 Program; the Clean Water Act 319 Nonpoint Source (NPS) Pollution Prevention Program; the Indian General Assistance Program; the Tribal Brownfields Response Program; the Underground Storage Tank Program; the Delegation of Nez Perce Federal Implementation Plan; the Clean Air Act 103 Grant-Nez Perce Tribe Air Quality Project; and the EPA Region 10 Pesticide Circuit Rider Program.

The Tribe recommends that the Indian General Assistance Program be funded at \$75 million; the Tribal allocation under the Clean Water Act 106 program be increased by 20 percent; Tribal Air Quality Management be funded at \$16 million; the Brownfields Program be maintained at \$100 million; and a funding amount be specifically allocated in lieu of the percent cap on Tribal funding for NPS pollution control.

The Tribe requests the Columbia River Basin Restoration Program, authorized under the Water Infrastructure Improvements for the Nation Act of 2016, be funded at no less than the \$3 million provided to EPA in FY 2023 but recommends that number be substantially increased.

FOREST SERVICE

The Tribe does a tremendous amount of work with the Forest Service including landscape restoration and resource management. The Tribe entered into a Good Neighbor Authority agreement with the Forest Service in 2022 that will allow more collaboration on work that will help protect Treaty-reserved resources on forest system land. It is important that these programs receive stable and consistent funding to allow this work to continue.

As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to Tribes. Thank you for the opportunity to testify today.

[This statement was submitted by the Nez Perce Tribe.]

PREPARED STATEMENT OF NISQUALLY INDIAN TRIBE

Summary of Budget Requests:

- I. Bureau of Indian Affairs—Increase funding for Western Washington Program
- II. Bureau of Indian Affairs—Increase funding for Tribal Climate Resilience Program
- III. Environmental Protection Agency—Increase funding for Puget Sound Program
- IV. Environmental Protection Agency—Funding to Address Impacts of 6PPD Quinone

INTRODUCTION AND BACKGROUND

Greetings Chair Merkley, Ranking Member Murkowski, and Honorable Members of the subcommittee on Interior, Environment, and Related Agencies. My name is William Frank III and I have the honor of serving as Chairman of the Nisqually Indian Tribe (“Tribe”). Thank you for the opportunity to provide written testimony regarding the Tribe’s funding priorities within the subcommittee’s jurisdiction. It is also an honor 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 enshrined in the Treaty of Medicine Creek of 1854 and upheld by Federal courts in *U.S. vs Washington*, also known as the Boldt Decision, in 1974 and in numerous decisions in the intervening 48 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, Nisqually Tribal members 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; and 8 days is not honoring the promises contained in the Treaty of Medicine Creek.

BUREAU OF INDIAN AFFAIRS: RIGHTS PROTECTION IMPLEMENTATION-WESTERN WASHINGTON (BOLDT DECISION)

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 the Interior provides Tribal funding under the Rights Protection Implementation (“RPI”) 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 40 staff in eight different programs that utilize science-based management of our fisheries. These eight different programs include shellfish management, environmental management, salmon hatchery operations, salmon recovery, Geographic and Information Services, and salmon restoration and research. The Tribe is putting all its efforts into the survival of our fisheries and trust resources, stretching every dollar. Our obligations to manage under the Boldt Decision and the ESA are growing more complicated as our world continues to change.

Despite the effectiveness of RPI, the funding levels are simply insufficient. The Tribe has never received dedicated environmental staffing support to deal with climate change and impacts from growth. Unfortunately, the fiscal resources have failed to keep up with economic challenges and competition for staff fully support the proper management of our trust resources and treaty protected rights.

The Tribe appreciates the Administration’s proposal to increase funding for Rights Protection Implementation by \$342 thousand over the previously enacted level. This includes an increase of \$86 thousand for the Western Washington Program. We urge

the subcommittee follow suit and increase RPI funding to ensure that the Federal Government meets its treaty obligations.

BUREAU OF INDIAN AFFAIRS: TRIBAL CLIMATE RESILIENCE PROGRAM

Climate change is real and is having dramatic and significant impacts on our people and the resources we depend upon. As a result of rising sea levels, 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 on for our very survival.

With Western Washington Tribes being on the frontlines of climate change, we are encouraged by the Biden Administration's proposal to increase funding for the Tribal Climate Resilience Program ("TCRP") by \$13 million over the previously enacted level. The TCRP is instrumental in assisting Tribal governments with climate adaptation and preparedness, implementing strategies for resilient communities, and encouraging cooperative solutions. The Nisqually Indian Tribe requests that the subcommittee provide substantial increases in funding for the Tribal Climate Resilience Program.

ENVIRONMENTAL PROTECTION AGENCY: 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 our region as the Great Lakes and the Everglades are to those living in those watersheds.

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 programming 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 understand the cause, we can provide the best measures to protect the salmon. The Nisqually Indian Tribe requests that the subcommittee increase funding EPA's Puget Sound Program to further assist us in tackling the complicated issues in the Puget Sound.

ENVIRONMENTAL PROTECTION AGENCY: FUNDING TO ADDRESS IMPACTS OF 6PPD QUINONE ON SALMON

The Nisqually Tribe has grave concerns regarding the deadly threat that 6PPD Quinone is having on our salmon and treaty protected resources. The Tribe needs the EPA to provide the critical leadership and sense of urgency needed to immediately solve this problem. This is a crucial issue for the Tribe and all Tribes that depend upon salmon. We have seen our salmon populations decline dramatically over the past 30 years and the negative impacts that has had on our treaty rights, our culture and traditions, and the health of our communities. 6PPD is killing our fish every time it rains.

We assert that there needs to be two pathways that are fully supported for success. The first is source removal and we request that the pertinent regulatory agencies be fully funded to expedite their involvement. The previous administration gut-

ted key programs within the EPA and NOAA, resulting in the Federal Government likely being the weakest link in approving a safe alternative for time manufacturing and future monitoring and research.

The second pathway must be a commitment to treating stormwater for 6PPD-Q, and other numerous toxics coming off our roadway with each rain, in the Pacific Northwest while we deal with the legacy of 6PPD in current tires. The Nisqually Indian Tribe has led an effort to find an affordable and scale-able treatment system for roadway runoff with a specific focus on 6PPD. Our pilot project is proving successful and could be used region wide. Funding for installation and monitoring and maintenance is lacking to address the problem at the magnitude of the challenge. The Tribe urges the subcommittee to provide funding that will address the deadly impacts that 6PPD Quinone is having on the salmon population.

CONCLUSION

The Nisqually Indian Tribe appreciates the opportunity to share our Fiscal Year 2024 funding priorities with the subcommittee.

[This statement was submitted by William Frank III, Chairman.]

PREPARED STATEMENT OF NORTHWEST INDIAN FISHERIES COMMISSION

Chair Merkley, Ranking Member Murkowski, and Honorable Members of the Subcommittee, for the record my name is Ed Johnstone, and I am Chair of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is composed 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, we are providing testimony for the record on our natural resource management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2024 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 exercise of our treaty rights.

Summary of Fiscal Year 2024 (FY24) Appropriations Requests

Bureau of Indian Affairs

- Provide \$66.0 million for Rights Protection Implementation (collective request)
- Provide \$17.146 million for Western Washington Fisheries Management
- Provide \$3.748 million for Washington State Timber-Fish-Wildlife
- Provide \$7.42 million for U.S./Canada Pacific Salmon Treaty
- Provide \$2.4 million for Salmon Marking
- Provide \$15.0 million for Fish, Wildlife & Parks Projects (non-TPA)
- Provide \$1.109 million 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 \$48.04 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 \$54.0 million for Puget Sound Geographic Program

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- Provide \$66.0 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 \$66.0 million for the Rights Protection Implementation (RPI) subactivity is necessary to support essential tribal treaty-reserved resource management. This request is a \$16.8 million increase over the FY23 enacted level of \$49.2 million. The large disparity between our collective request and the enacted level demonstrates that the basic natural resource management functions of the treaty tribes continue to be underfunded. Faced with the difficult combination of increasing natural resource scarcity and cumulative environmental stressors, tribal natural resource management has become more complex and resource intensive. Considering this challenge, additional capacity is needed to manage treaty-reserved resources and protect tribal rights. Unfortunately, most of the programs under RPI, such as Western Washington Fisheries Management, have not received a meaningful increase since FY18. A summary of the subaccounts of importance to us within RPI are identified below.

—Provide \$17.146 million for BIA Western Washington Fisheries Management

We respectfully request \$17.146 million, an increase of \$5.543 million over the FY23 enacted level of \$11.603 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 and groundfish, and other natural resource management needs. This funding is critical to support the day-to-day operations of essential fishery management. Reduced abundance and increased regulatory scrutiny of fisheries, coupled with ongoing salmon habitat loss, increased recreational pressures and climate change are greatly increasing the difficulty (and cost) of co-managing salmon and other resources.

—Provide \$3.748 million for BIA Washington State Timber-Fish-Wildlife (TFW)

We respectfully request \$3.748 million, which is \$28,000 above the FY23 enacted level of \$3.72 million. Funding for this program is provided to improve forest practices on state and private lands, while providing protection for fish, wildlife and water quality. This funding supports the tribes' participation in the TFW Agreement—a collaborative intergovernmental and stakeholder process between the state, industry and tribes.

—Provide \$7.42 million for BIA U.S./Canada Pacific Salmon Treaty

We respectfully request \$7.42 million, an increase of \$628,000 above the FY23 enacted level of \$6.792 million. This request is consistent with that of the Pacific Salmon Commission (PSC) and is necessary to implement the Annex chapters of the Pacific Salmon Treaty (PST). Tribes assist the U.S. government in meeting its obligations to implement the treaty by participating in fisheries management exercises, cooperative research and data gathering activities. This funding also supports participation in the PST process.

—Provide \$2.4 million for BIA Salmon Marking

We respectfully request \$2.4 million, an increase of \$948,000 over the FY23 enacted level of \$1.452 million. This request would support ongoing coded wire tagging and adipose fin clipping (marking) operations at tribal hatcheries. Marking is used to differentiate hatchery-origin salmon from natural spawning ones. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes. Coded Wire Tags are used to provide a unique identifier to a particular hatchery stock, which is then used in salmonid abundance assessments and catch rates. The NWIFC uses automated trailers to provide efficient centralized tagging and marking services to our 20-member tribes. This state-of-the-art equipment is very complex and requires expert technicians to operate and maintain. The operations and maintenance of the trailers, coupled with an increasing demand for these important services, continues to increase our costs to carry out this Federal directive.

—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 \$2.055 million over the FY23 enacted level of \$12.945 million. 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. We currently estimate that more than 80% of the salmon harvested are hatchery-origin fish. Yet despite the central importance of these facilities, tribes face millions of dollars in deferred maintenance costs and significant funding shortfalls in operations.

—Provide \$1.109 million for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHAP) (within the Tribal Management/Development Program)

We respectfully request \$1.109 million, an increase of \$206,000 above the FY23 enacted level of \$903,000 for SSHAP within the Tribal Management/Development Program subactivity. SSHAP is vital 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) and reclassify CSC as mandatory. Funding for CSC ensures 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 need to co-manage wildlife resources with the State of Washington. Requested funding will provide capacity to participate in state-tribal co-management forums, develop wildlife management plans, develop and enhance tribal hunting codes, and design and implement applied research projects. These capabilities are fundamental to the protection of our tribes' treaty rights and there is currently no dedicated account or funding to directly support this critical work.

—Provide \$48.04 million for BIA Tribal Climate Resilience

We request \$48.04 million for Tribal Climate Resilience subactivity, an increase of \$13.049 million over the FY23 enacted level of \$34.991. Climate change is one of the largest threats to tribal rights and resources. Funding from this competitive grant program will support tribal participation in critical issues that impact treaty-reserved resources, adaptation and promote climate resiliency.

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 \$1.8 million over the FY23 enacted level of \$6.2 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 request \$96.4 million for the nationwide GAP, an increase of \$21.65 million over the FY23 enacted level of \$74.75. We also respectfully request bill or report language that would improve flexibility in the GAP to ensure individual tribal priorities and implementation activities would be eligible and that newly proposed allocations will not result in a decreased proportion of funds for EPA Region 10 tribes and consortia. The GAP builds essential tribal program capacity to address environmental issues that impact tribes' health, safety and treaty-reserved resources. The GAP also provides critical funding to tribal consortia to support intertribal coordination on environmental issues.

—Provide \$54.0 million for EPA Puget Sound Geographic Program

We request \$54.0 million for Puget Sound consistent with the FY23 enacted level. This Geographic Program provides essential funding that will help protect and restore Puget Sound—an estuary of national significance. Funding for this program supports tribal participation in a broad range of collaborative Puget Sound recovery work, including scientific research, resource recovery planning and policy discussions that affect our treaty rights.

CONCLUSION

We respectfully request the subcommittee's support for these requests. We greatly appreciate your attention to these matters and thank you for your continued commitment to the tribes.

[This statement was submitted by Ed Johnstone, Chair of the Northwest Indian Fisheries Commission.]

PREPARED STATEMENT OF NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

Greetings Chairman Merkley and Ranking Member Murkowski, and Members of the subcommittee. My name is Nickolaus Lewis, and I serve on the Lummi Indian Business Council, and as Chair of the Northwest Portland Area Indian Health Board (NPAIHB or Board). I thank the subcommittee for the opportunity to provide testimony on the FY 2024 Indian Health Service (IHS) budget and for their continual support for increased funding for IHS every year.

NPAIHB was established in 1972 and is a Tribal organization under the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 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 (AI/AN) by supporting Northwest Tribes in the delivery of culturally appropriate, high quality health programs and services. "Wellness for the seventh generation" is the Board's vision. In order to achieve this vision, I respectfully ask that this subcommittee consider Tribal sovereignty, traditional knowledge, and culture in all policy initiatives and funding opportunities.

I provide the following testimony to address our long-standing needs in the Northwest:

Health Equity. AI/ANs in the Northwest face high health disparities compared to non-Hispanic White (NHW). AI/AN people in the Northwest have a life expectancy that is about 7 years lower than that of NHW people in the region. Data from the Northwest show that AI/AN people experience disparities at all stages of life, and are particularly vulnerable to chronic diseases such as heart disease and diabetes, injuries, substance misuse and overdoses, and violence. In the past year, there has been an alarming increase in Fentanyl overdoses in Northwest Tribal communities. AI/AN people in the Northwest are less likely to have health care coverage and access compared to their NHW counterparts.

These disparities are the consequence of centuries of neglect and broken promises by the Federal Government to adequately fund healthcare. IHS is chronically underfunded with the overall budget covering only a fraction of the healthcare needs of AI/AN people.¹ Year after year, Northwest Tribes have unmet healthcare needs due to the chronic underfunding and any budget cut to the IHS will result in further barriers to accessing health services in the Northwest.

Provide Advance Appropriations for IHS. We thank Members of the subcommittee for their support in upholding the Federal Government's obligations to provide health services to AI/AN by authorizing advance appropriations in FY 2024. Previous government shutdowns have caused undue hardship to Northwest Tribes—from Federal employees not receiving a paycheck to clinics cutting down their hours. Advance appropriations provide predictable funding to enable IHS, Tribes, and urban Indian organization leaders to effectively manage budgets, coordinate care, and improve outcomes for AI/ANs without any service interruptions. For this reason, NPAIHB requests the subcommittee continues to provide advance appropriations for FY 2025.

Provide Mandatory Appropriation for ISDEAA Section 105(l) Leases and Contract Support Costs (CSC). Although we are appreciative of the subcommittee's support

¹U.S. COMM'N ON CIVIL RIGHTS, BROKEN PROMISES: CONTINUING FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS AT 19 (2018) available at <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

in securing an indefinite appropriation for 105(l) leases and CSC, we need 105(l) leases and CSC to be moved to mandatory appropriations. This will ensure that these appropriations are funded year after year without impacting annual programmatic increases to IHS and Tribal health facilities.

1. The Tribes in the Northwest have been relentless advocates for Tribal Self-Determination and Self-Governance which is one of the most successful programs funded by the Indian Health Service. However, the Cook Inlet decision is destabilizing on our Tribal health program operations and threaten our indirect cost recovery to support Northwest Tribal health program operations. We urgently request the subcommittee to support a legislative fix to the Indian Self-Determination and Education Assistance Act to restore the longstanding interpretation of the act.

Provide Full, Mandatory Funding for IHS. We are concerned on the minimal increase of \$327 million to the IHS in the FY 2023 Omnibus Appropriations Act. This increase does not support President Biden's historic request for an increase of \$2.2 billion for the IHS in FY 2023. The Northwest Tribes will never be able to adequately address their chronic health disparities without substantial increased funding for the IHS. The National Tribal Budget Formulation Workgroup recommended, and our Area supports, the request of \$51 billion in FY 2024 to fully fund the IHS.² Although we support the Biden Administration putting forward a historical request for mandatory funding, we request that the IHS and the subcommittee works and supports the Portland Area Tribes to develop a legislative proposal for mandatory funding for IHS.

Fund Community Health Aide Program (CHAP) Expansion. Tribal Leaders in the Portland Area support long term sustainable solutions that build up our communities, create opportunities for our youth and Tribal citizens, educate our healers and train the next generation of work force. The CHAP is vital not only to expanding access to care in our Tribal communities but tackling important social determinants of health. CHAP builds an accessible education ladder into the health care professions, increases access to culturally relevant, trauma informed primary care, and creates professional wage jobs in our communities. However, the IHS has not provided adequate funding to expand CHAP in the Portland Area to support education programs and member Tribes to integrate CHAP providers into their health programs. For FY 2024, we request \$60 million for continuation of the National expansion of CHAP with \$10 million for Portland Area. We request \$5 million to build clinical classrooms to train community health aide providers in the Portland Area.

In FY 2021, 2022 and 2023, \$2 million was allocated for dental health therapy education programs educating students in Washington, Oregon, Idaho, and Alaska. But, the IHS has not provided any of this funding to the Portland Area and will not unless there is an appropriation increase. For FY 2024, we request \$4.2 million for the Dental therapy education programs with a \$1.7 million earmark to Portland Area and \$2.5 million to support Alaska.

Fund Purchased and Referred Care (PRC) at \$8 billion. The FY 2023 Omnibus Appropriations Act included a 1% increase to PRC-a nominal increase that does not even cover inflation and population growth costs. Our Area has to purchase all specialty and inpatient care because there is no IHS hospital in the Portland Area. The PRC program makes up over one-third of the Portland Area budget. When there is no increase or consideration of population growth and medical inflation, 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.

When there are increases to the PRC budget, the Portland Area Tribes receive additional funding to account for the lack of an IHS/Tribal hospital in the Area, often referred to as the access to care factor. However, the IHS has only ever funded this access to care factor three times in the past 13 years-in FY 2010, 2012, and 2014. Without year to year increases to PRC to fund the access to care factor, inpatient care for Portland Area Tribes goes severely underfunded. For FY 2024, our Area requests that PRC is funded at \$8 billion. And, PRC should be the second highest budget line item increase to conform with the National Tribal Budget Formulation Workgroup's Recommendations.

Fund Mental Health and Substance Abuse at \$3.5 billion. In our Area and nationwide, there are high rates of depression, anxiety, and relapses because of isolation during the pandemic. Our Tribes need funds to support mental health provider shortages, expansion of services, and training. NPAIHB is particularly concerned about our AI/AN adolescents and young adults. Suicide is the second leading cause

²National Tribal Budget Formulation Workgroup Recommendation, Indian Health Service Fiscal Year 2024 Budget, <https://www.nihb.org/docs/09072022/FY%202024%20Tribal%20Budget%20Formulation%20Workgroup%20Recommendations.pdf> (last visited May 19, 2023).

of death for AI/AN adolescents and young adults. AI/AN suicide mortality in this age group (10–29) is 2–3 greater, and in some communities 10 times greater, than that for non-Hispanic whites.

Mental Health and Substance Use programs could be expanded by funding programs authorized but never funded under the Indian Health Care Improvement Act (IHCIA), including Sections 702, 704, 705 and 715. These programs would increase prevention and treatment services, community mental health workers and behavioral health research. In order to address anticipated needs and to fund much needed programs in FY 2024, NPAIHB recommends funding Mental Health and Substance Abuse at \$3.5 billion.

In addition, we recommend that all IHS Behavioral Health Initiatives provide an option for Tribes to receive funds through ISDEAA Title I and Title V compacts and contracts. These programs include the Tribes know how to manage and maximize funds to best meet the behavioral health needs of their patients. These programs include the Substance Abuse and Suicide Prevention Program, the Domestic Violence Prevention Program, the Zero Suicide Initiative, and may include the recently established Special Behavioral Health Program (opioid program).

Special Diabetes Program for Indians (SDPI). We request permanent reauthorization of SDPI at \$250 million per year with medical inflation rate increases annually. We also request that an option be created for Tribes to receive SDPI funds through Title 1 or Title V compacts or contracts. Specifically, we recommend that 42 U.S.C. § 254c-3(c) be amended with the addition of the following language: "(2) APPROPRIATIONS.—On request from an Indian Tribe or Tribal organization, the Secretary shall award diabetes program funds made available to the requesting Tribe or Tribal organization under this section as amounts provided under Subsections 106(a)(1) and Subsection 508(c) of the Indian Self-Determination Act, 25 U.S.C. § 5325(a)(1) and § 5388(c), as appropriate."

Increase Indian Health Professions Funding by \$25 million. COVID-19 has exacerbated the recruitment and retention issues our Northwest Tribal communities face with health care providers. In order to address these provider shortages, 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 2024, we request the subcommittee to increase the Indian Health Professions program by \$25 million.

Increase Funding for Small Ambulatory Program, Joint Venture Construction Project and New Innovative Approaches for Health Care Facilities Construction by \$21 billion. No funds have been allocated to Portland Area Tribes for new facility construction for at least 20 years. For this reason, Portland Area Tribes only support funding for specific construction programs and new innovative approaches for health care facility construction. We request a program increase of \$21 billion in FY 2024 to support the Small Ambulatory Program (SAP) with funding for staffing packages, the Joint Venture Construction Program (JVCP), and funding for innovative approaches to address unmet construction needs for health care facilities construction under 25 U.S.C. § 1631(f).

Portland Area Regional Specialty Referral Center. The FY 2023 President's Budget Request includes \$165 million in nonrecurring expense funds for the Portland Area's regional specialty referral center. This center is a priority of the Northwest Tribes to address the continual barriers AI/AN face in accessing specialty care in the Northwest. We look forward to partnering with IHS to develop the center. We request that the subcommittee considers additional funding to construct the two other facilities in the Portland Area.

Make Information Technology Modernization Funding Available to Tribes. Health IT modernization must be a priority of the IHS with an expedited implementation over the next three to five years. Resource and Patient Management System (RPMS) cannot meet the evolving healthcare delivery needs of our Tribes without substantial investment in IT infrastructure and software. Tribes in the Northwest have had to invest significant amount of their own funds to modernize their Health Information Technology. Yet, none of the funds appropriated for HIT modernization has been distributed to Tribes. We request that funding is provided to our Tribes to reimburse and provide on-going financial support for Tribal facilities that have purchased and implemented commercial off the shelf systems. For FY 2024, NPAIHB recommends funding at \$356 million for planning and phased-in replacement of RPMS with \$22 million for Portland Area Tribes for reimbursement of their health IT modernization efforts.

³NPAIHB Resolution18-03-07.

Fund HIV at \$60 million and HCV at \$600 million. From 2013 through 2017 rates of new diagnosis of HIV for AI/AN 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. We thank the Committee for the \$5 million for HIV and Hepatitis C initiatives in FY 2021. For FY 2024, NPAIHB requests funding of \$60 million for HIV to support Ending the HIV Epidemic. According to the IHS National Data Warehouse, it is estimated that there are at least 40,000 AI/AN people with a current HCV infection being served by IHS, Tribal and urban Indian facilities. For FY 2024, \$600 million is needed for IHS to provide the life-saving HCV treatment to the 40,000 AI/ANs with HCV.

Thank you for this opportunity to provide recommendations on the FY 2024 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

[This statement was submitted by Nickolaus Lewis, Chair, Northwest Portland Area Indian Health Board.]

PREPARED STATEMENT OF NORTON SOUND HEALTH CORPORATION

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2024 Indian Health Service (IHS) budget are as follows:

- Recognize Alaska Native communities as Native communities in the IHS Sanitation Deficiency System (SDS), eliminating the notion of ineligible costs for sanitation projects.
- Recommend IHS create and fund the operation and maintenance (O&M) of sanitation infrastructure.
- Fund construction of employee housing quarters.
- Fund construction of patient lodging to support expansion of medical and behavioral health care services.
- Support funding opportunities for Tribal Health to construct day care facilities.
- Increase funding for behavioral health social detoxification programs through the Preventing Alcohol Related Deaths (PARAD) program under the Snyder Act or through the creation of a Special Behavioral Health Program for Indians, similar to the Special Diabetes Program for Indians.
- Ensure mandatory funding for Contract Support Costs and 105(l) lease payments and clarify CSC provisions.

Headquartered in Nome, Alaska, Norton Sound Health Corporation is owned and managed by the 20 federally recognized Tribes of the Bering Strait region. Our Tribal system includes a regional hospital, nursing home, and 15 village-based clinics, which we operate under an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement¹. Our rural and remote Arctic region remains unconnected by roads, and we are 500 air miles from Alaska's economic hub of Anchorage. Our service area encompasses 44,000 square miles.

Funding for Water & Sewer Projects and Operation and Maintenance:

Recognize Alaska Native communities as Native communities in the IHS Sanitation Deficiency System (SDS), eliminating the notion of ineligible costs for sanitation projects. In the Bering Strait region, we face a \$261 million sanitation need. Five communities in our region, Diomedes, Wales, Shishmaref, Stebbins, and Teller, remain completely unconnected to running water and sewer. The community of Gambell is 70% served, with 43 homes in the village remaining unconnected to water and sewer. Ongoing sewer and water upgrades and maintenance backlogs remain concerns in seven communities. An estimated 520 homes in the Bering Strait region have no running water, nor flush toilets.

The health impacts of a lack of sanitation and clean water infrastructure, in combination with a shortage of housing in our communities, remain an ongoing public health crisis. The CDC has noted that one in three infants from communities without running water is hospitalized for respiratory infections. The communities of Diomedes, Unalakleet & Wales are on the Environmental Protection Agency's EET

⁴For more information, please contact Karol Dixon, NPAIHB, at kdixon@npaihb.org or (907) 301-2899.

¹We serve the communities of: Brevig Mission, Council, Diomedes, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain.

list of water systems out of compliance with Federal regulations for arsenic, uranium, and/or THMs (probable human carcinogen), with levels over what EPA has deemed safe for human consumption in the long-term.

In the authorizing statute (Indian Health Care Improvement Act) for the IHS, Congress reaffirmed the Indian Health Service as the agency with “primary responsibility and authority to provide necessary sanitation facilities,” and furthermore, “it is in the interest of the United States and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply systems and sanitary sewage waste disposal systems as soon as possible” (25 USC 1632). These services to Norton Sound communities cannot come soon enough. Basic human needs that most Americans take for granted do not exist in many of our communities.

We are opposed to the decision of the IHS to implement in the FY2018 Sanitation Facilities Construction appropriation using a methodology to serve Alaska Native homes. This methodology is based on the premise that our Alaska Native villages are ‘non-Indian’. Our unserved communities on average are over 90% Alaska Native. The SDS policy places Indian communities in the same category as “non-Indian” communities, requiring that Tribes find contributions for ineligible buildings such as public schools, clinics, Tribal buildings, and teacher housing. All community buildings are for the benefit of the Native community, including schools, which serve in some cases as the community’s evacuation center and primary gathering place for healthy community activities. Schools and teacher homes are also often the only facilities connected to sewer and water, creating significant sanitation inequities in a community.

However, in order to fully address the sanitation crisis in our communities, we urge that Congress formally remove the regulatory barriers to our unserved and underserved communities and allow Infrastructure Investment and Jobs Act (IIJA) funds to cover the ineligible costs as requested in the FY22 Tribal consultation.

Recommend IHS create and fund the operation and maintenance (O&M) of sanitation infrastructure. The National Congress of American Indians passed Resolution ANC-22-041, that recommends IHS fund the operation and maintenance (O&M) of sanitation infrastructure as authorized in 25 USC 1632 (b). A request for O&M funding was also included in the FY 2024 Tribal Budget Recommendations put forward by the National Tribal Budget Formulation Workgroup. In addition, the unprecedented amount of funding provided by Congress for construction and repair of sanitation facilities through the IIJA underscores the need to protect the Federal investment and ensure the maximum life cycle and sustainable operation of these sanitation systems for as long as possible. O&M costs should also be used for existing systems to keep projects that are already complete off the SDS list in the future. Congress has provided IHS funding to train operators, but not a designated O&M fund. IHS must request appropriations in the FY 2024 budget for the operation and maintenance of sanitation facilities systems, and further such funding should be made available through ISDEAA self-governance agreement.

Funding for employee housing quarters. Since NSHC opened its new hospital facility in 2013, the workforce living in both Nome and the villages has increased by 12 percent and 23 percent respectively. Unfortunately, when the facility was constructed, housing quarters were not included with the construction project. NSHC owns 29 apartment units in Nome, but still leases over 70 apartment units from various landlords in an attempt to meet the needs for adequate housing for new hires, locum physicians, nurses, clinicians, health aides in training, and students. NSHC’s usage of such a large portion of currently available Nome housing has created a significant housing shortage for Nome. This housing shortage has held NSHC back from filling critical health care positions and has created further impediments to hiring a permanent local workforce. Typhoon Merbok exasperated the already limited housing situation in Nome when the flood destroyed housing units and the subsequent fire destroyed a local hotel, which was housing homeless individuals and families.

The approved Port Project for the City of Nome, will require an influx of people to the community and vacant housing is non-existent. NSHC proposes to construct three, 20-unit apartment buildings, this would adequately meet its growing Nome workforce needs. By owning its own housing, NSHC would be able to release 70 apartment units which could be consumed by Nome Port Project laborers, teachers, and homeless individuals and families. NSHC received \$5M from the FY23 Omnibus Bill to support patient and employee housing construction; the total cost for three 20-unit apartment buildings is \$30.75M.

In the surrounding villages, the ability to recruit and retain a permanent provider to work at the local clinic and live in the community is contingent on housing. There is also a lack of housing for local employees. While NSHC has received some funding

to construct housing in some of its villages, other communities are still challenged with inadequate housing: Gambell, Stebbins, Teller, White Mountain, Brevig Mission, Shaktoolik, and Elim. The cost to build a total of two duplexes in both the communities of Gambell and Stebbins is \$26M.

Funding for the construction of patient lodging to support expansion of medical and behavioral health care services. Over the past 10 years, in-region healthcare services have expanded, and the volume of visits has nearly doubled. NSHC's Nome-based Patient Hostel, which opened in 2008, is often fully occupied. To meet patient care needs, NSHC must locate overflow patient lodging which is rarely available at local hotels due to an influx in tourism after COVID-19 restrictions lifted and the aftermath of Typhoon Merbok, (which took another local hotel out of operation.) The new Wellness and Training Center opened in June 2020. The clinical infrastructure is available to provide intensive outpatient and partial hospitalization services. In order for outlying village residents to benefit from this treatment, additional housing is necessary. The infrastructure is now available to support substance abuse treatment for the region, but housing is needed. In the short-term, NSHC will be converting the former Community Health Services building into overflow patient lodging. In the long-term, more patient lodging needs to be constructed, which is collocated next to the Norton Sound Regional Hospital. The number of housing units needed in total is estimated at 50 at a total cost of \$15M. NSHC received \$5M from the FY23 Omnibus Bill to apply to patient & employee housing.

Funding for Tribal Health to construct day care facilities. There is a lack of childcare providers in the Bering Strait region. Childcare is a basic need that hinders recruitment and retention. NSHC is planning to address its workforce childcare needs through a Nome-based facility that is in the conceptual design phase for a 7,460 square foot building. The facility would be available to employees and patients for drop-in appointments and for village-based health aides during training sessions. The project is estimated at \$10.35 M. NSHC received \$2.5M from the FY23 Omnibus Bill to support this project.

Recommend the IHS increase funding for behavioral health social detoxification programs through the Preventing Alcohol Related Deaths (PARD) program under the Snyder Act or through the creation of a Special Behavioral Health Program for Indians, similar to the Special Diabetes Program for Indians (SDPI). As the alcohol and opioid abuse problem intensifies with the wider availability of heroin, oxycodone, and often-lethal synthetics such as fentanyl, the need for treatment services has grown exponentially. As a result, national and State entities and governments have openly recognized and called for the need to arm providers with more resources and funding; however, despite the evidence of rampant substance use concerns, back-logged psychiatric facilities, and reimbursements inadequate to meet the expenses of providing services, there is an imbalance between the magnitude of the problem and appropriate funding. For the Bering Strait region, the substance abuse/misuse data for 2021 is staggering:

- 918 unique individuals across 1,469 encounters presented at Norton Sound Regional Hospital's emergency department under the influence of substances. Of those, 565 had a primary diagnosis of Alcohol Abuse; an additional 100 had a secondary substance diagnosis, and 72 had a tertiary.
- The Nome Volunteer Ambulance Department's 7 primary volunteers responded to 424 substance-related calls accounting for an astounding 68.8% of all calls totaling 27,984 hours of response time.
- The Nome Police Department were dispatched for 3,394 substance-related calls in 2021, 73% of all arrests were substance-related. There were 10 officers available to respond to these calls.
- 90% of inmates served time for substance-related crimes at Nome's Community Residential Center (CRC) and Anvil Mountain Correctional Center (AMCC). With 128 beds at AMCC at \$168.74 per inmate per day, and 50 beds at the CRC at \$117.00 a day, the cost of substance-related incarceration was \$9,004,587. Imprisoning someone is far more expensive than funding prevention, diversionary, and treatment services.

Because our region is in remote Alaska, resources with which to work are fewer than those in urban areas; this often results in sending our people hundreds of miles away to Anchorage or Fairbanks for higher levels of care.

Mandatory Funding for Contract Support Costs and 105(l) lease payments. We appreciate the subcommittee's commitment to ensuring that Contract Support Costs (CSC) and 105(l) lease costs are fully funded by including an indefinite discretionary appropriation in FY 2024 for both of these accounts. This change would bring appro-

priations process into line with the clear legal requirements of the authorizing statute.

Amend Indian Self-Determination and Education Assistance Act to Clarify CSC provisions. We also request that the committee consider amending the Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify that when agency funding paid to a Tribe for program operations is insufficient for contract and compact administration, contract support costs will remain available to cover the difference in response to a recent court decision.²

Thank you for considering the priorities of the Norton Sound Health Corporation.

[This statement was submitted by Angela Gorn, President/CEO, Norton Sound Health Corporation.]

PREPARED STATEMENT OF OUTDOOR ALLIANCE

Summary of Recommendations

Agency	Program Funding Recommendations
Department of Agriculture Forest Service ¹	–Recreation, Heritage, and Wilderness: \$94.367M –Land Mgmt. Planning, Assessment, and Monitoring: \$26.429M–Cap. Improvements & Maintenance, Trails: \$27.857M, including \$11.957M for National Scenic and Historic Trails –Cap. Improvements & Maintenance, Roads: \$109.64M –Legacy Roads and Trails: \$100M –Forest and Rangeland Research: \$413.369M
Department of Interior Bureau of Land Management	–Recreation Resources Management: \$93.398M –Resource Management Planning: \$97.759M –National Conservation Lands: \$78M –Wilderness Management: \$25.701M –National Trails System: \$13.75M
Department of Interior National Park Service	–National Recreation and Preservation: \$118.465M, including \$17.09M for Rivers, Trails and Conservation Assistance –National Trails System: \$20.964M
Other Priorities	–Land and Water Conservation Fund: \$1.35B, including \$135M for Outdoor Recreation Legacy Partnership. –American Conservation & Stewardship Atlas: \$25.5M –Hardrock Abandoned Mine Lands: \$287M

All Forest Service appropriations should be accompanied by a commensurate increase to Salaries & Expenses.

Outdoor Alliance is a coalition of 10 member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our Nation's public lands, waters, and snowscapes.

National public lands provide outstanding opportunities for outdoor recreation, including at some of the world's most iconic recreation destinations. These opportunities, as well as the irreplaceable cultural, ecological, and scenic values found across public lands, in turn support the growing outdoor recreation economy, which accounted for \$862 billion in gross economic output, 1.9 percent of U.S. gross domestic product, and 4.5 million jobs in 2021.²

Due to decades of underinvestment, Federal land management agencies face staffing and resource challenges that have left them unable to meet modern needs related to recreation access, conservation, and sustainability. In recent years, Congress has provided significant funding for these agencies through the Great American Outdoors Act (GAOA), the Infrastructure Investment and Jobs Act (IIJA), and the Inflation Reduction Act (IRA). However, robust baseline budgets remain nec-

² Cook Inlet Tribal Council, Inc. v. Dotomain, 10 F.4th 892 (D.C. Cir. 2021).

² Bureau of Economic Analysis, BEA 22–55, Outdoor Recreation Satellite Account, U.S. and States, 2021 (2022).

essary to ensure that land managers can meet the growing needs of the American public, adapt to the climate crisis and other challenges, and to achieve the maximum return on investment for GAOA, IIJA, and IRA dollars.

In particular, we see a need to increase staffing levels and staff retention across all Federal land management agencies, particularly at the Forest Service and BLM. As frequent visitors to public lands, the outdoor recreation community regularly sees the consequences of inadequate staffing to manage current levels of recreational use and to plan and implement recreation infrastructure and restoration projects. Investments in staffing are essential for ensuring that agencies have the capacity to plan effectively and efficiently and advance projects supported by the IRA and IIJA in a manner that maximizes impact, including for co-benefits like outdoor recreation.

USDA FOREST SERVICE

Recreation, Heritage, and Wilderness: \$94.367M. Outdoor Alliance strongly supports the agency's FY24 request for Recreation, Heritage, and Wilderness—the agency's primary account for providing sustainable recreation opportunities to the American public. National Forests have seen a steady increase in recreational visits over the past decade.³ However, from 2002–2020 the Recreation, Heritage, and Wilderness program saw a 48% decrease in staffing and a 27% decrease in appropriations adjusted for inflation.⁴ Providing \$94.367M will help the agency proactively manage recreational use and deliver the opportunities that support local economies.

Land Management Planning/Assessment/Monitoring: \$26.429M. Forest plans form the foundation for sustainable recreation opportunities and restoration activities across our National Forests. Currently, 99 out of 128 Forest Service land management plans are outdated. Outdoor Alliance supports the agency's efforts to increase the pace and scale of forest plan revisions through a new national initiative called the Planning Service Organization, which will help initiate more than 30 plan revisions over the next 4 years, including seven beginning in 2024.

Capital Improvements and Maintenance, Trails: \$27.857M. The Forest Service manages more than 160,000 miles of trails, which provide access to extraordinary scenic, cultural, and ecological resources across the National Forest system. Increasing trails funding will help the agency maintain its trail system, expand it where appropriate, and strengthen trails partnerships.

Capital Improvements and Maintenance, Roads: \$109.64M. Forest Service roads, bridges, and parking lots are critical access points for outdoor recreationists. Significantly increased resources are needed to help the agency improve recreation access and increase the resilience of the extensive Forest Service road system to high use levels and extreme weather events.

Legacy Roads and Trails: \$100M. Outdoor Alliance supports the Washington Watershed Restoration Initiative's request for \$100M for Legacy Roads and Trails. Although Congress permanently authorized this program in the IIJA at \$50M per year, this number does not meet the existing need for road and trail repair, road decommissioning, and other needs. The IIJA investments should be augmented with an additional \$100M to help prevent adverse impacts to water quality, sensitive species, and outdoor recreation from Forest Service roads.

Forest and Rangeland Research: \$413.369M. Forest Service research is critical to understanding our natural world. This research is more important than ever in a changing climate and with novel pressures facing our forests and grasslands. Increasing research funding will help address pressing ecological questions and develop new techniques for forest and rangeland management.

BUREAU OF LAND MANAGEMENT

Recreation Resources Management: \$93.398M. BLM manages innumerable important recreation resources but needs additional capacity to manage the challenges (and opportunities) of increased visitation. BLM plans to launch a new "21st Century Recreation Strategy" in FY24 to modernize the agency's approach to managing sustainable recreation. Increased funds are needed to implement the new strategy, to address ongoing capacity issues for BLM recreation staff, and to account for an increase in the quantity and diversity of recreational use across BLM lands.

Resource Protection and Maintenance-Resource Management Planning: \$97.759M. Outdoor Alliance strongly supports the agency's request for \$97.759M for Resource Management Planning. BLM planning ensures the best use of BLM lands, including

³ See, Gwendolyn Aldrich and Evan Hjerpe, *The Conservation Funding Crisis*, Conservation Economics Institute (2022), at 16.

⁴ Historical budget data derived from Forest Service budget justifications.

balancing recreation with other multiple use values. Approximately 134 of the BLM's 169 Resource Management Plans are outdated, and additional plans need to be completed for new National Monuments.

National Conservation Lands: \$78M. Outdoor Alliance is grateful for the increase in funding provided for National Conservation Lands in FY23. The National Conservation Lands system includes some of our country's marquee destinations for outdoor recreation. Investing in these lands is critical for their long-term protection and their ability to deliver economic benefits to local communities. Despite the recent increase, the budget for the National Conservation Lands has decreased over the past 20 years accounting for inflation while the number of acres covered by the system has more than doubled. Appropriations are needed to account for the increase in acres protected, and to address the backlog of management plans for recently protected areas.

Wilderness Management: \$25.701M. Outdoor Alliance strongly supports the agency's FY24 request for \$25.701M for Wilderness Management. BLM Wilderness lands, which include a network of 263 Wilderness areas and 487 Wilderness Study Areas totaling more than 21 million acres, provide some of the Nation's best opportunities for backcountry recreation. Increased appropriations are needed to help maintain these areas' Wilderness character, while sustaining the ecological and cultural resources that these areas provide.

NATIONAL PARK SERVICE

National Recreation and Preservation: \$118.465M, including \$17.09M for the Rivers, Trails, and Conservation Assistance program. NPS requires additional resources to meet the challenges of increased visitation, climate, and other stressors. Additionally, RTCA is a critically important program for helping local communities realize their visions for improved recreation resources.

OTHER APPROPRIATIONS PRIORITIES

American Conservation and Stewardship Atlas: \$25.5M. Outdoor Alliance strongly supports the administration's request for \$25.5M for the U.S. Geological Survey for the creation of the American Conservation and Stewardship Atlas. The Atlas will establish a baseline of protected areas in the U.S., and will help prioritize restoration and conservation actions. Appropriations are needed to develop a robust, scientifically-informed Atlas that will guide effective conservation actions that support benefits including increased access for outdoor recreation.

Land and Water Conservation Fund (LWCF): \$1.35B, including \$135M for the Outdoor Recreation Legacy Partnership. Congress guaranteed permanent dedicated funding of \$900M per year to the LWCF through the GAOA. While significant, this funding is intended as a baseline for LWCF, and the number of time-sensitive projects seeking funding far surpasses \$900M.

National Trails System: We support an increase in appropriations for the National Trails System across agencies, including \$20.964M at NPS, \$13.75M at BLM, and \$11.957M at USFS. This funding will ensure that Federal agencies and stewardship partners can keep these iconic trails accessible, maintained, and sustainable.

Hardrock Abandoned Mine Lands: \$287M. The outdoor recreation community is profoundly affected by legacy mining pollution, which poses an ongoing safety and public health hazard across affected watersheds in the western U.S. Congress established a new abandoned hardrock mine cleanup program through Section 40704 of the IIJA. Providing \$287 million in FY24 will enable BLM to inventory abandoned mine lands and accelerate remediation efforts.

[This statement was submitted by Louis Geltman, Policy Director, Outdoor Alliance]

PREPARED STATEMENT OF OFFICE OF NAVAJO HOPI INDIAN RELOCATION

INTRODUCTION

In 1974, Congress passed the Navajo-Hopi Land Settlement Act¹-an Act which led to the largest forced relocation of American citizens since the Japanese Internment Camps of World War II.² To carry out the forced relocation, Congress created the

¹ Pub. L. 93-531 (Dec. 22, 1974), 88 Stat. 1712.

² Hollis A. Whitson, A Policy Review of the Federal Government's Relocation of Navajo Indians Under Public Law 93-531 and Public Law 96-305, 27 Arizona Law Review 371, 372-73 (1985).

Office of Navajo Hopi Indian Relocation (ONHIR, formerly known as the Navajo Hopi Relocation Commission),³ an independent Federal agency. Specifically, the act [A]uthorized and directed [ONHIR] to relocate . . . all such households and members . . . and their personal property, including livestock, from any lands partitioned to the Tribe of which they are not members.⁴

In its report on the act, the Senate stated 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.”⁵ Nonetheless, the government’s failures have continued and the Navajo people have suffered greatly for it. Therefore, we write to you once more requesting that you properly bear the costs for the harms the United States has wrought.

The Navajo Nation has always objected strongly to the forced relocation of thousands of its people. The initial relocation was to be completed within 5 years through a “generous relocation program to minimize the adverse social, economic, and cultural impacts of relocation on affected Tribal members,”⁶ however, nearly 50 years have passed and the relocation has not been completed and the process has never been generous. The relocations that have occurred were done in such haphazard and shoddy fashion that they destroyed traditional lifeways, undercut spiritual practices, and created a range of social ills that have had terrible spiritual, physical, and economic consequences on the Navajo people.

The harms caused by the relocation have been further exacerbated by ONHIR’s inability to act and the federally-imposed development freezes that were in place for decades. ONHIR has not had a presidentially appointed Commissioner since 1994 and has been chronically underfunded. The Commissioner role is essential for ONHIR to carry out its statutory obligations, including working directly with Navajo political leadership, as well as to provide oversight and accountability for the relocation program.

The initial funding for ONHIR was allocated with the anticipation that roughly 1,000 Navajo people would be relocated, but the actual number-so far-is over 15,000 Navajo people.⁷ In addition to the lack of funding for the relocation, many of the “host communities” for the relocation were ill-equipped-and not separately funded-to receive such large influxes to their populations. As a result, areas such as the Dził Yijiin region have been overly burdened and suffered impacts to their housing, infrastructure, grazing capacity, and other aspects of community life.

The Navajo Nation near northeast Arizona has suffered two federal-imposed development freezes. The first impacted what is now known as the Navajo Partitioned Lands (NPL) and lasted from 1958–1979. This freeze was a construction freeze on the joint use area (JUA) and was only resolved with the partitioning of those lands into the Hopi Partitioned Lands (HPL) and NPL respectively. The impacts of this freeze have not been addressed by Congress and, as a result, many homes, Chapter Houses, senior centers, in need of dire repair and, in some cases, replacement. Many of these locations lack access to usable roads, and to basic necessities such as water, sewer, electricity, and communication services. On average, residents of the NPL must travel over 50 miles for hospital services, and police assistance is located more than 40 miles away.

The second major freeze was the “Bennett Freeze” from 1966 to 2009, a development freeze that left 1.6 million-acres-comprised of nine Navajo Chapter communities along the western part of the Navajo Nation-ineligible for any Federal aid or Tribal aid, including aid for poverty, economic development, construction and infrastructure, as well as for programs designed specifically for Indians. The Bennett Freeze was initially enacted by then-Commissioner of Indian Affairs who believed that it could be used to ease centuries-long land disputes between the Navajo and Hopi Tribes by requiring both Tribes-who had just engaged in contentious litigation over the land⁸-to consent to any improvements made to the disputed land. In 1980⁹ and 1988

³Formerly the “Navajo and Hopi Indian Relocation Commission” but amended to ONHIR in 1988. See Pub. L. 93–531, § 12, as amended by Pub. L. 100–666, § 4, (Nov. 16, 1988), 102 Stat. 3929, formerly 25 U.S.C. § 640d-11.

⁴Pub. L. 93–531, § 14(a), formerly 25 U.S.C. § 640d-13(a).

⁵S. Rep. No. 93–1177, at 20 (1974).

⁶S. Rep. No. 93–1177, at 19–20.

⁷See Fast Facts, GAO–18–266, U.S. GOVERNMENT ACCOUNTABILITY OFFICE (Apr. 24, 2018), <https://www.gao.gov/products/gao-18-266>.

¹⁰ the Settlement Act was amended to include the Bennett Freeze. All in all, the Bennett Freeze was in place for 43 years and severely stunted and harmed the people on these lands. Critical and immediate investment is needed to address the lack of housing, safe drinking water, electricity, emergency services, communications, and more.

⁸*Healing v. Jones*, 210 F. Supp. 125 (1962).

The harms caused by the United States' forced relocation of Navajo citizens and its decades-long development freezes must be resolved. Therefore, we call on Congress to begin the final resolution through appropriations that address its outstanding obligations to the Navajo people.

SUMMARY OF REQUESTS

1. Immediate transfer of not less than \$15 million in "excess" funds held by ONHIR to the Navajo Rehabilitation Trust Fund (NRTF) to address current needs of relocatees and relocation communities.¹¹ ONHIR States that it has more funds than it needs to complete its mission, which it has narrowly defined. The Navajo Nation disagrees and believes that these "excess" funds should be transferred to the NRTF, which was established pursuant to the Relocation Act and whose monies are "solely for purposes which will contribute to the continuing rehabilitation and improvement of the economic, educational, and social condition of families, and Navajo communities, that have been affected by" the Relocation.¹² Transferred funds should not be subject to any repayment obligation.

2. ONHIR should be funded for a period of 10 years to oversee a multi-agency program to redress adverse impacts of relocation. There should also be a program to rehabilitate areas where development has been frozen for many years.¹³ The Relocation Plan reflects the intent and mandate of the Relocation Act both to provide for relocation and "to rehabilitate an area in which development has been frozen for many years." In support of that mandate, the Relocation Act authorizes ONHIR to "call upon any department or agency of the United States to assist . . . in implementing the relocation plan" and mandates that any such agency called upon "shall provide reasonable assistance so requested."¹⁴ ONHIR, along with the Navajo Nation and the following Federal agencies should develop a multi-agency rehabilitation plan to benefit the relocatees: Interior, HUD, Agriculture, Transportation; EPA and Commerce.

3. Forgiveness of Navajo Rehabilitation Trust Fund Loan. 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 NRTF was designed to ensure that the infrastructure promises made in the Settlement Act were fulfilled. 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 out of revenue generated from lands selected in New Mexico. However, the New Mexico lands have never been developed and so this 25+ year old debt, on obligations the United States should have undertaken anyway, has not been reimbursed. The NRTF was authorized to \$60 million in 1995, only \$16 million of which was appropriated. 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.

4. Expansion of Office of Navajo and Hopi Indian Relocation Authority. Authorizes the Commissioner to carry out a rehabilitation in the Former Bennet Freeze Area for housing construction and renovation, and initiatives for infrastructure improvements and economic development. The bill would require the Commissioner issue implementing regulations and enter into self-determination contracts to carry out this work upon request by the Navajo Nation or Hopi Tribe.

5. Funding for Navajo Thaw Initiative and Former Bennett Freeze Area Rehabilitation Trust Fund. The Navajo Thaw initiative was created by the Navajo Nation government to provide comprehensive planning for the recovery of these areas. The Navajo Thaw initiative requires funding so it can carry out its duties regarding the planning for and recovery of affected areas. A trust fund in the U.S. Treasury for disbursement to the Navajo Nation for efforts to immediately rehabilitate the economic, housing, infrastructure, health, educational, and social conditions in Navajo communities affected by the Former Bennett Freeze. The fund shall continue until, upon petition by the Navajo Nation, the Secretary of Interior acting as trustee of the fund determines that its purposes have been fulfilled.

⁹ Pub. L. 93-531, § 10, as amended by Pub. L. 96-305 (July 8, 1980), § 3, 94 Stat. 929, formerly 25 U.S.C. § 640d-9.

¹⁰ Pub. L. 93-531, § 10(f), as amended by Pub. L. 100-666, § 6, formerly 25 U.S.C. § 640d-9.

¹¹ Proposed legislative language: "Not less than \$15,000,000 of the unobligated balances of the Office of Navajo and Hopi Indian Relocation shall be transferred to the Navajo Rehabilitation Trust Fund; however, such funds shall not be subject to the reimbursement obligations of Pub. L. 93-531, § 32(e), as amended by Pub. L. 100-666, § 7."

6. Funding of a Navajo Partitioned Lands Rehabilitation Trust Fund. To be used by the Navajo Nation to immediately provide rehabilitation to the Navajo Partitioned Lands, for not less than \$20 million per annum until its purposes have been fulfilled

7. Funding for studies, analyses, and reports concerning the Navajo relocation and construction/development freezes. These studies will be used to analyze the impact of the relocation and development freezes on multiple generations of Navajo families, economic development, infrastructure, traditional lifeways, the Navajo aquifer, and other areas as determined through coordination with the Navajo Nation.

8. Support for the Navajo Technical Amendments. This legislation that has been introduced for several Congresses that would implement or advance many of the items identified above. Although this is not a matter for appropriations, it is something that we hope members of the subcommittee will support.

[This statement was submitted by Raymond Maxx, Executive Director, Navajo-Hopi Land Commission Office, Navajo Nation.]

PREPARED STATEMENT OF OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT

Compact Commission (IMCC). My address is 437 Carlisle Drive, Suite A, Herndon, VA 20190. My phone number is 703 709 8654. My email is tclarke@imcc.isa.us. We request that \$69.89 million be provided in the budget of the Office of Surface Mining Reclamation and Enforcement (OSMRE) of the Department of the Interior for State and Tribal regulatory grants under Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) for Fiscal Year (FY) 2024. We also request that a significantly increased amount, at least \$65 million, be appropriated for the hardrock abandoned mine lands program authorized by section 40704 of the Infrastructure Investment and Jobs Act (IIJA) in FY 2024.

I appreciate the opportunity to present this statement conveying the views of IMCC's 26 member States on the FY 2024 budget for OSMRE. The Compact is comprised of 26 States that together produce over 98% of the Nation's coal, as well as other important minerals. Among the Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party States that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources.

States are given exclusive regulatory jurisdiction over the environmental impacts of coal mining under Title V of SMCRA. This means that the core regulatory functions under this Federal law are being carried out at the state level by IMCC member States. Primacy States perform all the duties mandated by SMCRA, including inspection and enforcement, ensuring that timely reclamation occurs following mining, designating lands as unsuitable for mining and permitting. In addition to performing the regulatory work Congress required in SMCRA, States pay a significant portion of the cost of meeting this mandate. Half of the cost of regulation on non-federal lands is borne by the States. In the aggregate, the States are paying approximately 46% of the total cost of SMCRA regulation (all of the cost of regulation on Federal lands is borne by the Federal Government). In addition to the fact that States bear a large part of the cost of regulation, another feature of state regulation that makes it cost-effective is lower personnel cost. The biggest single category of program expense is payroll and state pay scales are, for the most part, lower than those of the Federal Government. Accordingly, fulfilling the Federal mandate for effective environmental regulation of coal mining impacts comes at a bargain to the Federal Government.

It is no secret that coal production in America has declined. Instead of simplifying the regulatory challenge for States, the effect of this decline has been the opposite. The challenge of effectively regulating the environmental impacts of an industry in decline is much greater than when its markets were robust. Not only do States have the challenge of gaining compliance from mine operators who face declining cash flow, they also have the challenge of navigating their way through complex, high-stakes bankruptcies. Meanwhile, the number of permits that States must inspect has not declined at anywhere close to the falling rate of coal production. Adequate funding for protection of people and the environment from the adverse impacts of coal mining is more important than ever. Continued appropriation of adequate funding for State regulatory programs is essential if these programs are to achieve the objectives Congress established for them.

Congress has appropriated \$68.59 million in Federal funding for State and Tribal SMCRA Title V regulatory programs in five of the last seven fiscal years.¹ This has been done in the face of proposed budgets in recent years that would have gutted appropriations for State regulatory programs, cutting them by as much as \$25 million per year (proposed budget FY 2021). Congress has wisely rejected these proposed reductions and continued a much-needed trend of appropriating an amount for State regulatory grants that aligns closely with the States' demonstrated needs. The States are grateful for this. Against this amount, consider that the total grant requests for all State and Tribal Title V regulatory programs combined have consistently exceeded \$70 million. For the last five fiscal years, the total of State and Tribal Title V budget requests has ranged from \$70 to \$76 million. These requests represent the amounts the States believe they will need from the Federal Government to operate their regulatory programs for the year.

The amount the States have been able to actually spend for operation of these regulatory programs has averaged \$63 million per year. Importantly, the gap between actual expenditures and the States' projected funding needs has been closing. The States' actual expenditures are on an upward trend. A variety of factors have prevented the States from spending all of their budgeted funds. These generally include the time it takes to fill vacancies under state personnel procedures, State-wide hiring and/or spending freezes imposed when States face budgetary issues and state revenue shortages that affect a State's ability to match Federal dollars for program operation. State primacy under the SMCRA regulatory program dates to the early 1980's. As this regulatory program reached maturity in recent years, employees who began their employment when the State programs began have reached retirement age and moved on. When these senior employees have retired, they have often been replaced from within by a less senior employee. Less senior employees have often been replaced by junior employees, who have been replaced by new hires. It is not unusual for a State to go through the hiring process three times to eliminate the vacancy caused by a single retirement. During the time such vacancies persist, the money budgeted for the positions necessarily is not being spent. Because personnel costs are the biggest single cost driver for most State programs, vacancies are among the biggest of the challenges that a State program faces in operating according to budget. As the declining gap between budget needs and actual expenditures may demonstrate, the States are nearly past this wave of retirements and the multiple vacancies that can result from them. Multiple vacancies should pose less of a budgetary challenge in the future, so the States' future needs from the Federal Government should be closer to what they have budgeted.

With many States now in a position to utilize more of their full grant amount, it is imperative that funding be maintained at a level that meets the estimates of program needs the States made in their budget requests. Those requests reflect the ongoing work associated with state program implementation including permit reviews, inspections and enforcement at all inspectable units. Even with reduced coal production, the States' workload has not correspondingly decreased—and in many cases has increased given the tenuous financial condition of some coal companies. Higher levels of vigilance are necessary to ensure contemporaneous reclamation and abatement of violations.

This calls for vigilance by Congress. Inflation and other costs beyond the control of the States cannot be allowed to undermine State efforts to realize needed program improvements and enhancements or, more importantly, to jeopardize their efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment. Our analysis of state program funding needs for FY 2024 based on recent estimates indicate that a full Federal appropriation of \$68.59 million will be required for the existing State and Tribal programs. This represents a good middle ground figure that balances the need to assure that adequate funds will be available to enable the States to perform this vital work with the recognition that factors beyond state control may continue to have some effect on States' ability to spend the entirety of their projected regulatory budgets. In addition, sufficient funds need to be provided for the new state program in Tennessee. Tennessee has been pursuing primacy. If it attains primacy, this will add \$1.3 million to existing Title V State grant needs.² Therefore, we urge appropriation of \$69.89 million for State Title V grants.

¹ Grant funding for the Tribes' regulatory effort also comes from this appropriation. As appropriate in context, references herein to "States" should be read to include the Tribes.

² While money for the Tennessee program might be an increase in the appropriation for State grants under SMCRA, it should be noted that it is merely a shift in existing SMCRA funding. OSMRE currently bears the entire cost of operating the Tennessee program from funds it re-

Clear indications from Congress that reliable, consistent funding will continue into the future has done much to stimulate support for these programs by State legislatures and budget officers who, in the face of difficult fiscal climates and constraints, have had to deal with the challenge of matching Federal grant dollars with state funds. This is particularly true for those States whose match is partially based on fees from the mining industry, where significant reductions in mining and permitting activity translate to lower revenue, but not necessarily a corresponding reduction in the volume of regulatory work for State agencies. Be aware that any cut in Federal funding generally translates to an additional cut of an equal amount for overall program funding for States, especially those without Federal lands, because, as a general matter, these States can only match the grant funds they receive from the Federal Government.

A forward-looking observation that should be made concerns the potential impact of actions to eliminate emissions of greenhouse gasses. A foreseeable collateral impact of greenhouse gas regulation may be reduction or elimination of the revenue from the coal industry many States have been using to pay for their state share of the cost of SMCRA Title V regulatory programs. If this happens, the States are likely to need a significant increase in the Federal Government's share of regulatory program funding to make up the difference. In the aftermath of any significant new regulation of greenhouse gas emissions, well-funded State regulatory programs will be essential to the effort to effectively address the environmental impacts of existing mines.

For all the above reasons, we urge Congress to approve not less than \$69.89 million for State and Tribal Title V regulatory grants in FY 2024, the same amount enacted by Congress in most of the recent fiscal years, plus an additional \$1.3 million to cover the grant needs of the State of Tennessee in its efforts to attain primacy. In doing so, Congress will continue its commitment to ensuring the States have the resources they need to continue their work on the forefront of environmental protection and preservation of public health and safety.

In addition to State regulatory grants, the States have a great degree of interest in the appropriations for OSMRE's National Technical Training Program (NTTP) and Technical Information and Professional Service (TIPS). The States rely heavily on the NTTP and TIPS training classes for their new employees and for refresher courses for more seasoned employees. These training programs are especially important as States find themselves at a point where many of their employees are finishing careers and must be replaced with less experienced people. Any adjustments to these two programs should involve the States working through the NTTP/TIPS Steering Committee.

With regard to funding for State Title IV Abandoned Mine Land (AML) program grants, in FY 2024, the States and Tribes should receive the mandatory appropriation (before sequestration) under the pre-existing AML Title IV program as well as grant amounts set under Section 40701 of the IIJA. We also support appropriation of \$135 million for the AML economic revitalization (AMLER) program for economic and community development goals. IMCC also supports a continuation of funding for watershed cooperative agreements at \$1.5 million. Much valuable work has been accomplished through this program, especially given the matching funds that come from other sources besides OSMRE's share for these worthwhile projects.

Section 40704 of the IIJA authorized a multi-year \$3 billion hardrock AML program that would provide badly needed grants to States and Tribes to address the legacy hazards of non-coal mining. Unfortunately, the appropriation necessary to make this program a reality was omitted from the IIJA. Appropriations for FY 2022 and 2023 have only supplied \$5 million per year for the program, with only \$1.7 million per year targeted to State grants. We appreciate that demands for Federal funding are great, but much more is needed to enable this program to make meaningful progress in eliminating legacy mining hazards. The amounts in the Administration's proposed budgets for FY 2022 and 2023, \$65 million per year, would be a good start. We urge you to appropriate at least \$65 million for the IIJA Section 40704 hardrock AML program in FY 2024 and to consider increasing this amount in future years.

We appreciate the opportunity to submit this statement on OSMRE's budget for FY 2024. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAML), which goes into greater detail regarding the implications of OSMRE's funding for the States and Tribes related to the AML program,

ceives for operation of Federal regulatory programs. When Tennessee attains primacy, the State will begin to bear half of the cost of the program there, with the other half coming from OSMRE's funds for state program grants. We urge you to consult OSMRE regarding the fiscal impact of Tennessee primacy on OSMRE.

as well as hardrock AML funding needs. We would be happy to answer any questions.

[This statement was submitted by Thomas L. Clarke, Executive Director of the Interstate Mining.]

PREPARED STATEMENT OF OREGON WATER RESOURCES CONGRESS

FISHERIES RESTORATION IRRIGATION MITIGATION ACT (FRIMA) PROGRAM

The Oregon Water Resources Congress (OWRC) is writing to express its strong support for the U.S. Fish and Wildlife Service's (USFWS) Fisheries Restoration Irrigation Mitigation Act (FRIMA) program and is requesting \$15 million in FY2024, which is the previously authorized amount. The FRIMA program is an essential cost-share funding program that helps water users and fishery agencies better protect sensitive, threatened, and endangered fish species while ensuring water supply delivery to farms and communities.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly 1/3 of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, fish screens and fish passage, and hydropower facilities.

FY2024 APPROPRIATIONS

The FRIMA program meets a critical need in fishery protection and restoration, complementing other programs through USFWS. Fish passage and fish screen installations are a vital component to fishery protection with several benefits:

- Keep sensitive, threatened and endangered fish out of canals and water delivery systems
- Allow fish to be safely bypassed around reservoirs and other infrastructure
- Reduce water quality risks to fish species

There are over one hundred irrigation districts and other special districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all these districts are affected by either State or Federal Endangered Species Act listings of salmon, steelhead, bull trout or other sensitive, threatened or endangered species. The design and installation of fish screens and fish passage facilities to protect the myriad of fish species is often cost-prohibitive for individual districts to implement without outside funding sources.

The cost of addressing fish screening and fish passage needs in Oregon far outweighs current appropriations or the program authorization as a whole. Oregon irrigation districts anticipate at least \$25 million in funding is needed to meet current fish passage and fish screen needs in our state alone. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB), but the primary cost-share for fish screen and fish passage projects has been provided by the districts and their water users. Projects include construction of new fish screens and fish passage facilities as well as significant upgrades of existing facilities to meet new requirements (new species or science) from the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service and the USFWS. Upgrades are often needed to modernize facilities with new technologies that provide better protection for fish species as well as reduced maintenance and increased lifespan for the operator.

BACKGROUND OF THE FISHERIES RESTORATION IRRIGATION MITIGATION ACT (FRIMA) PROGRAM

FRIMA, originally enacted in November 2000, created a Federal partnership program incentivizing voluntary fish screen and fish passage improvements for water withdrawal projects in Idaho, Oregon, Washington and western Montana. The funding went to local governments for construction of fish screens and fish passage facilities and is matched with non-federal funding. Irrigation districts and other local governments that divert water for irrigation accessed the funding directly, while individual irrigators accessed funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with USDA's Natural Resources Conservation Service (NRCS).

The original legislation in 2000 (PL.106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest States, including OWRC. The FRIMA legislation authorized \$25 million annually, to be divided equally among the four States from 2001 to 2012, which was when the original authorization expired. The actual funding appropriated to the FRIMA program (through Congressional write-ins) ranged from \$1 million to \$8 million, well short of the \$25 million originally authorized and far short of what is needed to address fish passage and screening needs across the region. However, that small amount of funding was used to leverage other funds and assisted the region in making measurable progress towards installing fish screens and fish passage critical to protecting and restoring populations of sensitive, threatened, and endangered fish species.

FRIMA funding was channeled through USFWS to state fishery agencies in the four States, and distributed using an application and approval process based on a ranking system implemented uniformly among the States, including the following criteria: Fish restoration benefits, cost effectiveness, and feasibility of planned structure. All projects provided improved fish passage or fish protection at water diversion structures and benefitted native fish species in the area, including several state or federally listed species. Projects were also subject to applicable State and Federal requirements for project construction and operation.

FRIMA was reauthorized as part of the Water Infrastructure Improvements for the Nation Act (WIIN) of 2016. However, a fifth state, California, was also added as an eligible FRIMA cost-share recipient and the program was only reauthorized for \$15 million, well short of the estimated \$500 million in fish screening and passage needs in the Pacific Northwest alone. Now that the program has been reauthorized, it is imperative the program receive appropriations so all five States can better leverage State and local funding to meet their fish passage and screening needs.

PROGRAM BENEFITS

FRIMA projects provide immediate protection for fish and fills a large unmet need in the Western United States for cost-share assistance with fish screening and fish passage installation and improvements. Compared to other recovery strategies, installation of fish screens and fish passage has the highest assurance for increasing populations of sensitive, threatened, and endangered fish species in the Pacific Northwest. Furthermore, the construction of these facilities have minimal impact on water delivery operations, and projects are done cooperatively using methods well accepted by landowners and rural communities.

Funding of the FRIMA program has catalyzed cooperative partnerships and innovative projects that provide immediate and long-term benefits to irrigators, fishery agencies, and local communities throughout the Pacific Northwest. This program is also a wise investment, with past projects contributing more than the required match and leveraging on average over one dollar for each Federal dollar invested. FRIMA provides for a maximum Federal cost-share of 65%, with the applicant's cost-share at 35% along with on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the facilities and State agencies review and monitor the projects.

OREGON PROJECTS & BENEFITS

Twenty-six fish screen or fish passage projects in Oregon were previously funded using FRIMA for part of the project financing. These projects have led to:

- Installation of screens at 17 diversions or irrigation pumps
- Removal or modification of 12 fish passage barriers
- Three-hundred sixty-five miles of surface waters re-opened to safe fish passage

In addition, the Oregon Department of Fish and Wildlife (ODFW) has used some of the FRIMA funding to develop an inventory of needed fish screens and passages in the state. Grants ranged from just under \$6,000 to \$400,000 in size with a local match averaging 64% of the project costs, well over the amount required under the act (35%). In other words, each Federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has effectively utilized FRIMA money. Additional examples of projects in other States are available from USFWS at: <https://www.fws.gov/pacific/Fisheries/reportpub/Documents/FRIMA%20Accomplishments%20Report%202002-2012.pdf>

Santiam Water Control District: Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, ODFW, Marion Soil and Water Conservation District, and the City of Stayton. Approved FRIMA funding of \$400,000 leveraged a \$1,200,000 total project cost. Species benefited included winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

South Fork Little Butte Creek: Fish screen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and ODFW. Approved FRIMA funding of \$372,000 leveraged a \$580,000 total project cost. Species benefited included listed summer and winter steelhead, Coho salmon, and cutthroat trout.

Running Y (Geary Diversion): Fish screen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, ODFW, and Jeld-Wen Ranches. Approved FRIMA funding of \$44,727 leveraged a total project cost of \$149,000. Species benefited included listed red-band trout and short-nosed sucker.

Lakeshore Gardens: Fish screen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and ODFW. Approved FRIMA funding of \$5,691 leveraged a total project cost of \$18,970. Species benefited included red-band trout, short-nosed sucker and Lost River sucker.

CONCLUSION

Providing funding for the FRIMA program fills a vital funding gap for fish screens and fish passage projects that are needed to protect and restore sensitive, threatened, and endangered fish species, which in turn benefits the economy, local communities, and the environment. Eligible FRIMA funded projects are ready for construction and will provide immediate habitat benefits for fish as well as jobs and economic revitalization for local communities. Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at relative low cost, with low risk and significant benefits.

The return of a robustly funded FRIMA program will once again catalyze cooperative partnerships and innovative projects that provide immediate and long-term benefits to irrigators, fishery agencies, and local communities throughout the Pacific Northwest. We respectfully request an appropriation of \$15 million for U.S. Fish and Wildlife Service's Fisheries Restoration Irrigation Mitigation Act program for FY2024.

[This statement was submitted by April Snell, Executive Director, Oregon Water Resources Congress.]

PREPARED STATEMENT OF OREGON WATER RESOURCES CONGRESS

CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM

The Oregon Water Resources Congress (OWRC) is highly supportive of the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF). OWRC respectfully requests FY2024 appropriations for this program be increased to at least \$3 billion, as proposed in the President's Budget and included additional authorized funding found in the Bi-Partisan Infrastructure Bill (BIL). The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefiting the environment, local communities, and the economy. As an existing and proven program, it is a perfect fit for increased investment during a time of need for climate and environmentally friendly infrastructure.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly 1/3 of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, fish screens and fish passage, and hydropower production facilities.

FY2024 APPROPRIATIONS

We recognize our country must make strategic investments with scarce resources, particularly as our economy recovers from pandemic-related impacts and inflation. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefiting the environment and is an efficient return on taxpayer investment. CWSRF projects provide much needed construction and professional services jobs, particularly in rural areas facing economic hardship. Moreover, as a loan program, it is a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

In Oregon, the CWSRF is administered by the Oregon Department of Environmental Quality (DEQ), which has updated its rules implementing the program to reflect new criteria enacted under the BIL. DEQ responsibly maintains the program through repaid loans, interest, fees, and available Federal capitalization grants. According to EPA, for every \$1 of Federal capitalization funding, \$3 worth of assistance is provided, leveraging available funds to maximize benefits for local communities, the environment, and the economy. Unfortunately, available funding for water infrastructure projects continues to be woefully insufficient to meet the growing water infrastructure funding needs in Oregon and nationwide. Appropriations for the CWSRF needs to be increased in FY2024, as authorized in the BIL, to support water infrastructure projects that are addressing these critical needs.

BACKGROUND OF CWSRF USAGE BY OREGON IRRIGATION DISTRICTS

During the program's thirty-plus year history in Oregon, numerous OWRC member districts have successfully used CWSRF for projects that improve water quality and water conservation associated with water delivery diversions, canals, and pipelines throughout the state. OWRC and our members are highly supportive of the CWSRF, including promoting the program to our members, hosting workshops with agency staff, and annually submitting Federal appropriations testimony in support of increased funding for the CWSRF. We believe it is an important funding tool for irrigation districts and other water suppliers that are using it for innovative piping projects that provide multiple environmental and economic benefits.

Numerous irrigation districts and other water suppliers need to pipe currently open canals, which significantly reduces sediment, improves water temperature, and provides other water quality benefits to rivers and streams. Piping immediately improves the efficiency of the water delivery system and helps increase available water supplies for aquatic life and irrigators alike. These projects also decrease energy consumption (from reduced pumping), and have opportunities for generating renewable energy, primarily through in-conduit hydropower. CWSRF is often an integral part of an overall package of local, State, and Federal funding sources necessitating a higher level of Federal loan funding availability for planned water infrastructure projects. Reductions in CWSRF appropriations could lead to loss of matching grant funding and delay or derail beneficial projects irrigation districts have been developing for years.

The success Oregon districts have experienced using the loan program to design and implement multi-beneficial projects has led to increased applications to the CWSRF. Irrigation districts are once again eligible for a key funding element, principal forgiveness, up to 50% and capped at \$500,000 for projects in a distressed community or eligible for the Green Project Reserve designation. As a result, we expect to see even more interest in the program. OWRC is hopeful there will be enough funding available to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the rural economy.

CWSRF NEEDS IN OREGON

The appropriations for the CWSRF program prior to the BIL had fallen far short of what is needed to address critical water infrastructure needs in Oregon and across the Nation. This has led to fewer water infrastructure projects, and therefore a reduction in improvements to water quality and water conservation. However, OWRC is pleased with the 5-year commitment to increased funding authorized in the BIL. This Federal commitment is important as infrastructure needs have become more expensive and even more time critical.

The most recent Intended Use Plan (IUP), updated on January 6, 2023, includes 22 loan applications for a total of \$174,783,989 in requested funding. Currently, the loan program has \$312,610,437 net available to lend for state FY2023. DEQ can award a maximum individual loan amount of \$46,891,566. The following irrigation

district projects are included in the current FY2023 IUP. Increased funding will help catalyze many more projects like the ones below in Oregon and throughout the Nation:

OREGON PROJECTS ON FY23 IUP

Owyhee Irrigation District (Malheur County)—\$500,000. Construction—Kingman Lateral First Mile Piping Project. Owyhee Irrigation District will construct 5,800 feet of piping of the Kingman Lateral canal to address embankment instability caused by seepage. The piping will prevent sediment loading and other water quality issues in the Owyhee River basin caused by seepage and/or catastrophic failure of this canal section. The project includes installation of pipe between the lateral headgate and a tunnel at the end of the worst problem section.

Rogue River Valley Irrigation District and Medford Irrigation District (Jackson County)—\$24,334,500. Design and Construction—Joint System Canal Piping Project. Rogue River Valley Irrigation District and Medford Irrigation District jointly use the Joint System Canal to serve several thousand customers with crop irrigation. Seepage and evaporation are occurring along the canal, which is resulting in lost water and ultimately less water flowing through the canal downstream to other water bodies. The proposed project includes design and construction of piping up to 4.4 miles of canal and diversions, replacement of siphons, improvements to water diversion structures, and fish passage. The project will address water quantity and quality downstream, including South Fork Little Butte Creek, which experiences low flow in some seasons. The project focuses on best management practices for irrigation to improve water quality from non-point sources and is consistent with the 2014 Nonpoint Source Management Program Plan sections 3.6.1 Watershed Approach Basin Reports and 6.1 Clean Water State Revolving Fund.

North Unit Irrigation District (Deschutes County) \$8,150,000—*Sec. 319, Design and Construction: Lateral 43 and Juniper Butte Piping Project*. The District's System Improvement Plan (2017) proposes to pipe the district's open canal network, including the addition of pressure reducing stations, reuse/retention reservoirs, and metered turnouts for every water user. The current project proposes to start in one portion of the district by piping laterals 31, 32, 34 and 43, which represents a total of 8.2 miles of leaky canal and serves over 9,800 acres of agricultural land. The project will improve water quality in the lower Crooked River, Lake Billy Chinook, and the lower Deschutes River by removing canal seepage and minimizing and eliminating return flow from agricultural lands. Piping of the laterals will also encourage on-farm efficiency by providing pressurized water, which enables the switch from furrow irrigation to sprinkler irrigation, reducing excessive seepage and agricultural runoff from fields. The project is consistent with Section 3.6.1 of the 2014 Nonpoint Source Management Plan and Section 6.1 of the CWSRF.

EXAMPLES OF GREEN PROJECT RESERVES IN OREGON

Oregon irrigation districts and other water suppliers are on the forefront of innovative piping projects that provide and leverage multiple benefits, including "green" infrastructure projects. Otherwise known as Green Project Reserve (GPR), DEQ is required to use at least 10 percent of annual Federal capitalization grants on projects that promote water and energy efficiency, are environmentally innovative, or include green infrastructure.

East Fork Irrigation District (Hood River County) \$4,000,000—Design and Construction—EFID Canal and Pipe Improvements. The proposed loan will support several water quality/water conservation projects that have been identified as high priority actions in recent East Fork Irrigation District planning studies. The primary projects will replace open canals or non-pressure rated pipe with pressure-rated pipe and pressure reducing stations. Additional potential projects would reduce warm water return flows; reduce sediment and chemical inputs to the Hood River; reduce water loss and remove sediment from the system; reduce operation and maintenance costs; and improve fish screening and increase instream flow. The proposed projects will meet multiple water quality improvement objectives including: 1) Decrease stream temperatures in the East Fork and mainstem Hood River (both reaches are covered by the Columbia-Hood River TMDL); and 2) Reduce sediment, pesticide, fertilizer, and other chemical inputs to the East Fork Hood River, Neal Creek, and the mainstem Hood River, all of which have water quality 303(d) listings.

Arnold Irrigation District (Deschutes County) \$8,699,900—Design and Construction—Infrastructure Resiliency and Modernization Project. The Arnold Irrigation District Infrastructure Resiliency and Modernization Project will enclose 11.9 miles (62,868 length-feet) of open porous canal into leak-free piping resulting in the conservation of 11,083 acre-feet (AF) of water per year. Piping the canals has two im-

mediate outcomes: (1) a substantial reduction in water quantity diverted; and (2) substantial increase of water quantity remaining instream. These outcomes have an immediate benefit to improving streamflow that will result in improvements to water quality, habitat, and habitat availability in the Deschutes River downstream from Wickiup Reservoir.

Providing increased appropriations for the CWSRF program will help implement additional innovative and multi-benefit projects like these in Oregon and across the Nation.

CONCLUSION

In conclusion, OWRC is strongly supportive of increased appropriations to the CWSRF program, allowing Oregon's DEQ to continue making targeted loans that address Clean Water Act issues and improve water quality while incentivizing innovative water management solutions that benefit local communities, agricultural economies, and the environment. This voluntary approach creates and promotes cooperation and collaborative solutions to complex water resources challenges. We respectfully request an appropriation of at least \$3 billion as authorized in the *Bi-Partisan Infrastructure Bill* for the U.S. Environmental Protection Agency's Clean Water State Revolving Loan Fund for FY2024.

[This statement was submitted by April Snell, Executive Director, Oregon Water Resources Congress.]

PREPARED STATEMENT OF THE PACIFIC SALMON COMMISSION

Mister Chair, and Honorable Members of the Committee, in March 1985 the United States and Canada agreed to cooperate in the management, research and enhancement of Pacific salmon stocks of mutual concern by ratifying the Pacific Salmon Treaty (PST). I am Ron Allen, the Tribal Commissioner and Chair of the Finance and Administration Committee for the U.S. Section of the Pacific Salmon Commission (PSC). The U.S. Section prepares an annual budget for implementation of the Pacific Salmon Treaty. The United States and Canada completed revisions of five of the Annex Chapters to the PST in 2019. The Annex Chapters contain the details for operations of fisheries under the Treaty and will be in operation for the next 10 years.

Funding to implement the PST comes from the Departments of Interior, Commerce, and State. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Tribal participation in the Treaty process is funded within the Bureau of Indian Affairs (BIA) budget as a line item within Rights Protection Implementation.

In order to meet the increased obligations under the Pacific Salmon Treaty Agreement, the 25 affected Tribes identified costs at \$7,420,000 for Tribal research and monitoring projects and participation in the U.S.-Canada Pacific Salmon Treaty process. This represents a 9.3% increase from FY 2023 levels. The funding for Tribal participation in the Pacific Salmon Treaty is a line item in the BIA's budget under Rights Protection Implementation.

Under U.S. Fish and Wildlife Service programs, the U.S. Section identified funding needs as follows:

USFWS participation in the Treaty process is currently funded at \$372,362. In addition, the Pacific States Marine Fisheries Commission (PSMFC) Regional Mark Center receives support from the USFWS to provide data services to the PSC process at \$236,189 annually. The U.S. Section recommends increasing the funding for PSMFC by \$150,000. The recommended total for the two programs for FY 2024 is \$758,551. The USFWS also received an additional \$4,700,000 for Pacific Salmon Treaty Implementation in the Hatchery Operations account starting in FY 2020. The USFWS uses these funds to work with State agencies and Tribes to implement projects on anadromous salmonids subject to the PST. For FY 2023 the USFWS plans to transfer \$400,000 of the additional funds to the BIA to support Tribal implementation of the PST. The U.S. Section recommends maintaining that level of funding for FY 2024.

The base funding for the USFWS supports critically important on-going work and participation in the process. The funding for Pacific States Marine Fisheries Commission's Regional Mark Processing Center is utilized to meet Treaty requirements concerning data exchange with Canada. These program recommendations are inte-

grated with those of participating State and Federal agencies to avoid duplication of effort and provide for the most efficient expenditure of limited funds.

The U.S. Section of the PSC and the Treaty Tribes appreciate the increases in funding for the Tribes to implement the revised chapters of the Pacific Salmon Treaty. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities over time. The revised Chinook Chapter includes a new metric for evaluating terminal area fisheries. The CYER (Calendar Year Exploitation Rate) metric requires additional data collection and data management by the affected Tribes. All participating agencies need to be adequately supported to achieve a comprehensive U.S. effort to implement the Treaty. The U.S. Section of the PSC recommends the proposed increase in funding to support the work carried out by the twenty-five Treaty Tribes' participating in implementation of the Treaty. Programs carried out by the Tribes are closely coordinated with those of participating State and Federal agencies.

The USFWS activities are essential, so the U.S. can maintain the coded wire tag database necessary to implement the Treaty. The work of the Regional Mark Processing Center includes maintaining and updating a coastwide computerized information management system for salmon harvest data as required by the Treaty. This work has become even more important to monitor the success of management actions aimed at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The U.S. database will continue to be housed at the Pacific States Marine Fisheries Commission. The U.S. Section appreciates the \$4,700,000 in the Hatchery Operations account of the USFWS budget to work with State agencies and Tribes on producing hatchery fish to mitigate for catch reductions in the revised Chinook Chapter and for additional Tribal support. The U.S. Section recommends maintaining that funding for FY 2024.

Funding to support activities under the Pacific Salmon Commission comes from the Departments of Interior, State, and Commerce. The U.S. Section can provide a cross-cut budget summary to the Committee. Adequate funding from all three Departments is necessary for the U.S. to meet its Treaty obligations. All the funds are needed for critical data collection and research activities directly related to the implementation and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries and Oceans in Canada. The commitment of the United States is matched by the commitment of the Government of Canada.

Mister Chair, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After thirty-eight years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Pacific Northwest, British Columbia, and Alaska. For example, upriver bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-Tribal fishers harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers.

The Pacific Salmon Commission provides a forum to ensure cooperative management of salmon populations. The United States and Canada reached agreements for revised Annex Chapters for management of Chinook, Coho, Chum, Fraser River Sockeye and Pink, and transboundary salmon populations for the next 10 years. It is critically important to have adequate resources for U.S. participants to implement the revised agreements and protect our Tribal Treaty resources.

Before the Pacific Salmon Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state because of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks and recommitted to that goal in 1999 when adopting a coastwide abundance-based approach to harvest management. Under this approach, harvest management has complemented habitat conservation and restoration activities undertaken by the States, Tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The updated Annex Chapters continue these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should consider that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the

infrastructure of many coastal and inland communities. The value of the commercial, recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is immense. The Commission funded an economic study of the fisheries and determined that this resource creates thousands of jobs and is a multi-billion dollar industry. The value of these fish to the twenty-four Treaty Tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people.

The Commission funded a study to capture the socioeconomic value of the fisheries to U.S. Tribes and Canadian First Nations. A significant monetary investment is focused on salmon due to the listings of Pacific Northwest salmon populations under the Endangered Species Act. Given these resources, we continue to utilize the Pacific Salmon Commission to develop recommendations that help with the development and implementation of solutions to minimizing impacts on listed stocks. We continue to work towards the true intent of the Treaty, and with your support, we will manage this shared resource for mutual enhancements and benefits.

Mister Chair, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

[This statement was submitted by W. Ron Allen, Tribal Commissioner and Chair of the Finance and Administration Committee.]

PREPARED STATEMENT OF PINON COMMUNITY SCHOOL

Pinon Community School is located on the Navajo Nation Reservation in Pinon, Arizona. We serve as a 1st-12th grade residential community for students who attend school at the Pinon Unified School District throughout the School Year. We also operate a kindergarten day school on our campus. We are a community grant school, funded by the Bureau of Indian Education (BIE) and operated pursuant to the Tribally Controlled Schools Act (Public Law 100-297). At Pinon Community School, we strive to be a resource for our students, their parents, and the greater community. Our Navajo language, culture, and values are at the heart of what we do. Pinon Community School is also a Member of the Diné Bi Olta School Board Association (DBOSBA), which represents all of the locally-elected school boards within the Navajo Nation. We would like to associate ourselves with DBOSBA's FY 2024 appropriations testimony and tell our school's story to provide context for these priorities. Our testimony highlights the following FY 2024 priorities for the Bureau of Indian Education budget:

- Increases for School Facility Construction and School Replacement Construction (BIE);
- Full and Forward Funding for School Facilities Operations and Maintenance (BIE);
- COVID-19 Relief Funds Expediently Distributed for Ventilation Repairs (BIE);
- 50% Increase for ISEP Formula Funds (BIE);
- Full Funding for Teacher and Counselor Pay Parity (BIE); and
- Ensuring that employees of all BIE-funded schools are eligible to participate in the Federal Employee Retirement System (BIE).

School Facilities Improvement & Repair and School Replacement Construction funding in the BIE's Education Construction budget not only impacts the health and safety of our students and staff, it impacts the useful life of our buildings. Our school was built in 1995 and is already facing significant facilities challenges: the buildings' foundations are shifting, there are critical piping issues with our hydraulic line, we lack a functioning HVAC system, our boiler needs parts replaced, our alarm system is not fully functional, and various other building renovations are needed. We have diligently logged these pressing concerns in the MAXIMO system; hired engineers and contractors with relevant experience to provide site assessments, designs, and proposals; contacted the BIE; and contacted the Bureau of Indian Affairs Division of Facilities Management and Construction (DFMC), all to little avail. Many of these issues could have been avoided if corners had not been cut when our school buildings were replaced in 1995 and in the following years the BIE and DFMC had properly maintained these buildings. The DFMC when pressed, offers small, nominal fixes for discrete building problems when comprehensive solu-

tions are needed. While the BIE owns the buildings we use, the BIE and DMFC have not taken the necessary actions to properly repair and maintain them.

School Facilities Operations and Maintenance funds also play a pivotal role in the health and safety of our students and staff. More funding is needed to address the BIE system-wide maintenance backlog, to hire staff with sufficient repair and maintenance expertise, to ensure schools have enough funding to adequately heat and cool our buildings with adequate air circulation to reduce the risk of coronavirus transmission, and to ensure that safety inspections are completed and provided to schools in a timely fashion (we are still waiting for the results of our most recent safety inspection). We also encourage Congress to shift these two accounts to the forward funded portion of the BIE's budget to help further insulate schools from the disruptive uncertainties of continuing resolutions and government shutdowns.

COVID-19 Relief Funds Must Be Expeditiously Distributed for Ventilation Repairs. Our HVAC system is a fundamental, pressing concern. Since 2017, Pinon Community School has requested assistance from the BIE and DFMC for HVAC improvements to address excessive heat. Currently on our campus, the dormitories, recreational building, kindergarten classrooms, and cafeteria building are without HVAC units, which provide critical ventilation and air conditioning. The Navajo Nation is requiring all schools to conduct a walkthrough of school facilities to assess and document findings that may impede students from safely returning to school. Unfortunately, we have been unable to complete the walk through due to our lack of ventilation. An improved HVAC system is not only a critical safety measure, it is critical to our ability to bring our students back for in-person services. A safe and healthy in-person living and residential environment is crucial to the well-being of our students and community. We have worked diligently to take steps to improve the HVAC system. Recently, the DFMC began construction on a portion of the project; however, the project is very limited in scope and will not permit proper ventilation for the entirety of the school campus, including the kindergarten classroom. Despite this, we have secured design plans and estimates for what it would take fully repair and replace the HVAC and associated hydraulic cooling system. We have also selected contractors who are licensed to perform this work. The estimate we were provided is roughly \$4 million—far more than Pinon Community School has been allocated in emergency COVID-19 relief funds. The DFMC's tinkering around the edges of this problem is not acceptable, particularly when COVID-19 relief funds have been allocated by the BIE to help schools repair, replace and upgrade our HVAC systems.

We would like to sincerely thank Congress, and specifically these subcommittees, for appropriating several rounds of urgently needed COVID-19 relief funds to the BIE school system. Your support helped our students, teachers and schools weather the worst of the pandemic and we could not have come this far without these emergency funds. The delays on the BIE and DFMC's implementation, however, have frustrated our attempts to make the critical improvements to our facilities, which are needed to safely welcome back our students.

Given the urgency of our School's needs and Congress' intent to rapidly deploy COVID-19 relief funds, we find BIE and DFMC implementation delays particularly troubling. We note that from the three rounds of COVID-19 relief funds Congress appropriated "for programs operated or funded by the BIE", 10 percent or \$125.9 million was set-aside for the BIE's "national-level support/administrative reserve." The BIE in subsequent webinars, communications to schools and press releases specified that the "national-level support/administrative reserve" funds are focused on the following: mental health services; learning management system investments; HVAC & indoor air quality improvements; emergency management and coordination; communications outreach; system enhancements (NASIS); oversight and records support; and "other priorities". Further, BIE specified that schools wishing to access these funds should enter this into MAXIMO, and contact the BIE and the DFMC, which we have done. While some of the BIE's other identified uses of the "national-level support/administrative reserve" funds appear to have, at best, only a tangential impact on keeping our students and staff safe, "HVAC & indoor air quality improvements" are fundamental to their health and safety. We urgently need \$4 million for our HVAC repair and replacement project and we urge the DFMC to provide this funding without further delay.

ISEP Formula Funds are our core operating account. This account funds everything from classroom instruction materials and teacher salaries to gifted and talented programs, summer programs, and food services. Increases in ISEP Formula Funds directly benefit students and help attract and retain the quality teachers vital to our students' academic success, but this account is severely underfunded and the nominal increases each year have very seriously lagged behind inflation year over year. Further, while the \$40.8 million increase to ISEP Formula Funds

between FY 2022 to FY 2023 is indeed one of the most significant increases this budget category has seen in some years, it was spread across the 183 schools in the BIE system, resulting in only an average increase of \$223,234 per school. BIE-funded schools across the Nation are facing a significant teacher shortage, but that shortage is particularly acute here on the Navajo Nation, where many schools operate in remote locations and because the surrounding public schools in New Mexico and Arizona have responded to the teacher shortage by substantially increasing teacher pay. We are currently working to increase enrollment but the state of our facilities and our difficulties attracting and retaining teachers and staff is holding us back from fully realizing our potential as a school and as a resource for our community. For example, we are exploring the concept of offering vocational education options for our high school students but more funding would be needed to develop that curriculum and hire the teachers and staff to run it. Having the resources to attract and retain quality teachers and counselors is a significant challenge for us. A 50% increase to ISEP would help us regain some the ground we have lost to decades of negative inflation-adjusted budget growth.

Full Funding for Teacher and Counselor Pay Parity is a critical tool for attracting and retaining quality teachers. Federal law requires the BIE to provide funding so that teachers and counselors in the BIE-funded school system may be paid equivalent salaries to their counterparts in the Department of Defense Education Activity. Federal law also provides that, at the discretion of the local school board, a BIE-operated school may pay salaries consistent with those paid by public schools in the state where the BIE school is located.

We would like to thank the subcommittees for the FY 2021 House Report 116-448 and the Joint Explanatory Statement accompanying the 2021 Consolidated Appropriations Act which direct the BIE to “clearly display funding amounts required to comply with Defense Department-equivalent pay rates as part of future budget justifications and to include sufficient funding in its budget request to fully fund these requirements”. We ask the subcommittees to continue to hold the BIE accountable for quantifying and requesting the correct amount for teacher and counselor pay parity and ensuring that the amounts provided are sufficient to match the increases provided by the Defense Department schools or are consistent with the rate of pay of public schools in the States where our BIE-operated and tribally controlled schools are located, whichever of these rates are higher. Given the acute teacher shortages, this parity is essential to our school’s ability to recruit and retain qualified teachers and counselors.

Ensuring that employees of all BIE-funded schools are eligible to participate in the Federal Employee Retirement System (FERS) would significantly bolster the ability of grant schools in the BIE school system to attract and retain quality teachers. Congress recently extended grant schools the opportunity to offer their employees insurance through the Federal Employee Health Benefits (FEHB) and Federal Employee Group Life Insurance (FEGLI) programs. Also, in House Report 117-400 accompanying the FY2023 Consolidated Appropriations Act, Congress directed Indian Affairs to “study the systems, processes, and authorizations necessary to extend FERS benefits to police officers employed under a Public Law 93-638 contract or compact.” Pinon Community School is seeking similar language for teachers and staff employed by Bureau of Indian Education-funded, Tribally Controlled Schools operated under Public Law 100-297 grants or Public Law 93-638 contracts.

Thank you. We would like to thank the subcommittees for your support and partnership throughout the pandemic. The resources you allocated for BIE system schools helped keep our students and teachers safe and connected. We also deeply appreciate the recent increases provided to the key BIE accounts we depend on and for your ongoing oversight of the BIE. We consider you our partners in this important endeavor of preparing our students for a bright future. Thank you for the opportunity to provide this testimony. Please consider us a resource if you have any questions.

[This statement was submitted by Sharon Begay, Governing Board President and Joe Benally, Principal, Pinon Community School.]

PREPARED STATEMENT OF PRESERVATION ACTION

Chair Merkley, Ranking Member Murkowski and Members of the subcommittee, on behalf of Preservation Action’s thousands of members and supporters—representing nearly every State—we appreciate the opportunity to present written testimony on the Department of Interior’s FY 2024 Appropriations for the National Park Service and its historic preservation programs. Founded in 1974, Preservation Action is a 501(c)4 nonprofit organization created to serve as the National grass-

roots advocacy organization for historic preservation. We represent an active and engaged grassroots constituency from across the country, and this testimony reflects their priorities.

First, we would like to thank the subcommittee for their strong support of historic preservation programs and priorities in the past several Interior Appropriations bills—especially for the FY23 Interior Appropriations bill, which funded the Historic Preservation Fund at \$204.515 million. This marked the eighth consecutive year of record funding for the program—again exceeding the program’s outdated \$150 million authorized level—reflecting the growing need of State and Tribal Historic Preservation Offices and the impactful work the HPF makes possible through competitive grant programs. Thanks to your support, all Americans continue to benefit from programs that have a proven track record of saving places Americans value, revitalizing communities, combating climate change by reusing infrastructure, and creating jobs.

Preservation Action’s mission is to demonstrate that historic preservation is a national priority. For 49 years we’ve advocated for sound preservation policy, including two of the most important tools for historic preservation: the Historic Preservation Fund (HPF) and the Federal Historic Rehabilitation Tax Credit (HTC).

NATIONAL PARK SERVICE: HISTORIC PRESERVATION FUND

The Historic Preservation Fund (HPF) is the principal source of funding to implement the Nation’s historic preservation programs. Since 1976 the HPF has helped to recognize, save, revitalize, and protect America’s historic resources.

HPF funding is critical to ensure State and Tribal Historic Preservation Offices (SHPOs/THPOs), whose job it is to administer Federal historic preservation programs, have the staffing capacity needed for the timely review of infrastructure and other Federal projects per requirements under the National Historic Preservation Act.

HPF funding also supports critically important competitive grant programs. The Paul Bruhn Historic Revitalization Grant Program is helping to foster economic development in rural communities through subgrants, like the Oregon Historic Theaters Subgrant Program that has revitalized historic theaters in small towns across Oregon or a program to rehabilitate National Register properties in Sitka, Alaska. While programs like the African American Civil Rights Grant Program, the History of Equal Rights grant program, the Underrepresented Communities Grant Program, and others are helping to tell a more diverse and inclusive American story.

Preservation Action recognizes the strong support Congress, especially this Committee, has shown for the HPF in recent years. But more is needed, especially as SHPOs and THPOs face increased workloads as the Infrastructure Investment and Jobs Act is implemented.

- Preservation Action recommends this subcommittee to continue their strong support of historic preservation by appropriating \$225 million in funding for the Historic Preservation Fund in FY24’s Department of Interior budget, including funding at the following levels:
- \$70 million for State Historic Preservation Officers (SHPOs). SHPOs carry out the primary functions of the National Historic Preservation Act: finding and documenting America’s historic places, nominating places to the National Register, aiding rehabilitation tax credit projects, reviewing impacts of Federal projects, working with local governments, and conducting preservation education and planning. Due to 2023 changes to SHPO apportionments, 23 States did not receive an increase in funding from 2022 to 2023.
- \$40 million for Save America’s Treasures Program. The Save America’s Treasures grants program helps preserve nationally significant historic properties and collections that convey our Nation’s rich heritage to future generations of Americans.
- \$34 million for Tribal Historic Preservation Officers (THPOs). THPOs are designated by federally recognized Tribal governments and assume the Federal compliance role of the SHPO on their respective Tribal lands. Tribal historic preservation plans are based on traditional knowledge and cultural values, and may involve projects to improve Indian schools, roads, health clinics and housing. THPOs are chronically underfunded. Funding levels have not kept pace with the growing number of Indian Tribes with THPO programs, resulting in a lower average apportionments per tribe.
- \$28 million for the African American Civil Rights Initiative Grants. A competitive grant program to preserve the sites and stories of the African American struggle to gain equal rights.

- \$13 million for Historically Black Colleges and Universities (HBCUs). Funding provides grants to HBCUs to preserve and repair historic buildings on their campuses.
- \$17 million for Paul Bruhn Historic Revitalization Subgrants. Supports the rehabilitation of historic properties and fosters economic development of rural communities through subgrants.
- \$11 million for the Semiquincentennial Grants. Competitive grant program that preserves publicly-owned historic sites commemorating the 250th anniversary of the founding of the U.S.
- \$7 million for the History of Equal Rights Grant Program. A competitive grant program to preserve sites and stories related to the struggle of all Americans to achieve equal rights.
- \$5 million for the Under-Represented Communities Grant Program. These competitive grants support the survey and nomination of properties to the National Register of Historic Places associated with currently under-represented communities.

Total FY 2024 Historic Preservation Fund Request: \$225 million

- Preservation Action also encourages support for the Historic Preservation Reauthorization Act (H.R. 3350). This bill would reauthorize the Historic Preservation Fund for 10 years and increases the authorized level to \$250 million. The HPF's authorization has not been increased since the program's inception in 1976 and the program's current authorization is set to expire in September of this year. This would provide much needed certainty to the States, Tribes, and local communities that rely on this funding to carry out their critical preservation work.

NATIONAL PARK SERVICE: FEDERAL HISTORIC REHABILITATION TAX CREDIT

The Historic Rehabilitation Tax Credit (HTC), administered by SHPOs, THPOs, and the National Park Service is the most significant Federal investment in historic preservation. The HTC has supported historic rehabilitation projects across the country, like the renovation of the 1928 New Redmond Hotel in Redmond, OR or the rehabilitation of the historic McKinley Tower Apartments in Anchorage, AK. The HTC has been a catalyst for development and job creation, and is responsible for:

- Rehabilitating more than 48,000 historic buildings across the Nation.
- Leveraging over \$199 billion in private investment.
- Creating more than 3 million jobs since its inception.
- Producing over 185,000 affordable housing units.
- Rehabilitating buildings and revitalizing communities in all 50 States.
- Returning more to the Treasury than the cost of the program.

Preservation Action supports the bipartisan Historic Tax Credit Growth and Opportunity Act (S. 639), which would increase the value of the HTC, improve access to the credit, and make the credit more appealing for smaller projects.

- Preservation Action urges the Committee to continue to support the Historic Tax Credit by sufficiently funding SHPOs, THPOs and the National Park Service who administer the program.

NATIONAL PARK SERVICE: AFRICAN-AMERICAN BURIAL GROUNDS PRESERVATION PROGRAM

- Preservation Action supports \$3 million in funding for the newly authorized, African-American Burial Grounds Preservation Program.

This program was established by Congress as part of the Consolidated Appropriations Act of 2023 and was included in the President's budget request. This program will identify, document, preserve, research, and interpret these historic and sacred burial sites whose protection and documentation has too often been neglected or forgotten.

NATIONAL PARK SERVICE: NATIONAL HERITAGE AREAS

- We express our support for \$33.5 million for the Heritage Partnership Program, which supports National Heritage Areas (NHAs) nationwide.

Designated by Congress, NHAs are community-driven sites that weave cultural, natural, and historic resources together to tell nationally-significant stories. NHAs rely on public-private funding where every Federal dollar allocated is matched with an average of \$5.50 in public and private funds. We appreciate the passage of the bipartisan National Heritage Area Act, which established standardized criteria of NHAs and ensures long-term sustainability. \$33.5 million keeps all NHAs at their existing funding levels while funding newly authorized NHAs.

INDEPENDENT AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and sustainable use of the Nation's diverse historic resources, and advises the President and Congress on national historic preservation policy. We appreciate the continued support of this important agency.

—Preservation Action recommends the Committee support \$10.5 million for the ACHP in the FY 2023 Interior Appropriations Bill. An increase in funding will enhance the critical functions of the agency: ensuring the Nation's historic and cultural resources are protected, advancing Tribal consultation, and finding efficiencies to deliver timely Federal review of major infrastructure projects.

CONCLUSION

Preservation Action appreciates the opportunity to provide our views on the FY24 Department of Interior budget. We work closely with a broad cross-section of preservation professionals from the State and local level and are pleased to add their perspective via our testimony.

Preservation Action continues to value the dedicated work of National Park Service employees, partnership with the Advisory Council on Historic Preservation, and the instrumental work of SHPOs and THPOs in preserving America's cultural heritage.

Thank you for valuing the input of the preservation community as you consider the FY24 Department of Interior budget and your past support of vital historic preservation programs. We look forward to working with the committee and are happy to answer any questions.

[This statement was submitted by Russ Carnahan, President, Preservation Action.]

PREPARED STATEMENT OF PUEBLO OF ACOMA

Recommendations:

1. BIA—\$1.5 million in dedicated funding for NAGPRA implementation.
2. BIA—\$1 million for implementation of the Safeguard Tribal Objects of Patrimony Act.
3. BIA—\$20 million for Tribal Historic Preservation Offices.
4. DOI—Maintain the funding moratorium for energy leasing in the Greater Chaco Region.
5. DOI—Increase funding for all public lands conservation accounts.
6. IHS—Provide permanent advance appropriations for the Indian health system.
7. IHS—Designate Section 105(l) lease and CSC payments as mandatory funding.
8. IHS—Increase SDPI funding to \$250 million with annual inflation adjustments.
9. IHS—Increase funding for Preventive Health Services.
10. DOI—Support Funding for Indian Water Rights Settlements.
11. BIA—Not less than \$90 million for the BIA Roads Maintenance Program.
12. DOI—Provide targeted funding totaling \$ 59 million for community development.
13. BIA—\$40 million for Mesa Hill Bridge Project under Tribal Transportation Account.
14. BIA OTS—Increase support for traditional irrigation infrastructure projects.
15. BIE—\$15 million to establish Regional BIE Tele-Education Learning Centers.
16. BIA—Not less than \$8 million for the BIA Endangered Species Program.
17. DOI—\$42 million for the BIA Tribal Climate Resilience Program.

I. Safeguard Tribal Cultural Patrimony

1. \$1.5 Million for Native American Graves Protection and Repatriation Act (NAGPRA) Enforcement. The provision of dedicated NAGPRA enforcement funding has supported the creation of a new FTE position committed to the protection of Tribal patrimony, as well as Bureau-wide trainings on the law and the harmful consequences that can ensue when it is violated. This is contributing directly to the development of a more culturally competent understanding of the importance of Tribal patrimony to Native peoples for improved law enforcement activities. We ask that this funding be maintained in FY 2024 and beyond.

2. \$3 Million for Funding Implementation of the Safeguard Tribal Objects of Patrimony (STOP). Act. This law, passed in the last Congress, will assure the protection of many sensitive Tribal items from illegal export. It is important to put in place the necessary resources in the Federal Government to enable this law to be implemented. We request that at least \$1 million be allocated for FY 2024 for the purposes of implementation and enforcement of this law.

3. \$20 Million for Tribal Historic Preservation Offices (THPOs). The preservation of Tribal sacred and cultural sites is a priority for all Indian Country. Damage of these sites is often irreversible, forever altering the way in which we can express ourselves as indigenous people. More Tribes are establishing THPOs under the National Historic Preservation Act to protect this heritage, yet Federal funding has not kept pace with this expansion. It is thus difficult for Tribal governments to meet their preservation compliance duties and responsibilities, which include working with other governments on site identification, conducting surveys, compiling data and samples, documenting best practices, and assisting in museums and research centers that preserve and share Tribal material culture. We request \$20 million for THPO support in FY 2024.

4. Maintain the Funding Moratorium Related to Energy Leasing in the Greater Chaco Region. We request that Congress maintain the moratorium on oil and gas leasing on Federal land in the withdrawal area of the Greater Chaco Region. We request this moratorium span the lifetime of the legislation rather than becoming ineffective upon completion of the ongoing Tribally-led cultural resource studies. However, if a temporal limit must be included, we ask the moratorium stay in place until completion of the studies and the Resource Management Plan Amendment.

5. Increase Funding for All Public Lands Conservation Program Accounts. Acoma's religious, cultural, social, and ancestral identity is rooted in the land of Bears Ears, Mount Taylor, and Chaco Canyon-among countless other sacred landscapes in the region. Any reductions in the Federal protections accorded to these lands per their status as National Monuments, Forests, Parks, or Wilderness Areas necessarily impacts our cultural and spiritual interests. The failure to provide minimum appropriations to carry out Federal public lands management responsibilities impairs the ability of Interior agencies to fulfill trust obligations and places invaluable Tribal resources at risk. We urge Congress to provide increased funding for public lands conservation programs across the Department of Interior, including the NPS, USFS, USFWS, BIA, and BLM.

II. Promote the Health and Well-Being of Indian Country

6. Provide Permanent Advance Appropriations for the Indian Health System. We ask for full funding for the IHS on a permanent 2-year advance appropriations cycle to fulfill the United States' obligation to provide for Indian health. This advance appropriation has occurred for FY 2024 but needs to be made permanent. We strongly support the IHS Tribal Budget Formulation Workgroup's recommendation for \$49.8 billion to fully fund the Indian health system budget. It is vital that this funding be consistently provided on an advance appropriations basis to promote greater stability in services, medical personnel recruitment and retention, and facilities management. Indian health should not be subject to the uncertainties of the annual budgeting process with its risk of continuing resolutions and government shutdowns. Critically, advance appropriations would align Federal funding with trust and treaty obligations. It would also provide the IHS long overdue parity with the Veterans Health Administration.

7. Mandatory Funding for Contract Support Costs (CSC) and Section 105(l) Lease Payments. We appreciate this subcommittee's commitment to ensuring that CSC and Section 105(l) lease costs are fully funded by including an indefinite discretionary appropriation in past years. We ask that Congress build on this important work in FY 2024 by designating these accounts as mandatory funding. CSC and Section 105(l) lease funds are already an entitlement under the Indian Self-Determination and Education Assistance Act. Changing the appropriation of these ac-

counts from discretionary to mandatory would bring Federal funding into line with the clear legal requirements of the authorizing statute.

8. \$250 Million with Self-Governance Funding Mechanism Option for the Special Diabetes Program for Indians (SDPI). Indian Country has seen dramatic improvements in the prevention and treatment of diabetes and diabetes-related conditions under SDPI. Yet, the program has been flat funded at \$150 million since FY 2004. For program stability and expansion, we seek an increase in mandatory funding to \$250 million with automatic annual adjustments for medical inflation. We also ask that Congress authorize the use of either a grant (as currently used) or Public Law 93-638 funding mechanisms for SDPI participants consistent with our Tribal sovereignty.

9. Increase Funding for Preventive Health Services. Acoma's experience with the Acoma-Canoncito-Laguna Hospital crisis and the vulnerabilities in the Indian health system revealed by the pandemic has taught us the critical value of preventive health. Such services are a cost-effective use of resources to reduce future incidence rates of chronic illness, acute conditions, and associated medical costs. We urge an increase in funding for IHS Preventive Health Services as an investment in future Indian health.

III. Construct Safe Tribal Communities and Infrastructure

10. Support Funding for Indian Water Rights Settlements. The Pueblo of Acoma, along with other parties, has negotiated a water rights settlement with the United States and the State of New Mexico (Rio San Jose Water Settlement) that has just been introduced in the House and Senate. We ask that the Congress support full funding for Indian water rights and would like to note that the President's FY 2024 budget proposal includes funding to "build on investments provided in the Bipartisan Infrastructure Law, the Budget provides \$2.8 billion in mandatory funding to the Indian Water Rights Settlement Completion Fund, with \$2.5 billion to cover the costs of enacted and future water rights settlements and \$340 million for operations and maintenance costs associated with enacted water settlements."

11. Not Less Than \$90 Million for the BIA Road Maintenance Program. Funding for the BIA Road Maintenance program has been chronically below the level of demonstrated need. In FY 2021, the BIA received only \$36.79 million to address a nationwide deferred maintenance backlog of almost \$300 million—an equivalent to only 12% of documented need. It costs our Pueblo alone over \$650,000 to maintain the 363.8 miles included on the BIA road inventory within our exterior boundaries (a further 298.2 miles are not on the inventory). We receive insufficient funding to cover these costs and are, thus, forced to use our limited Tribal funds to maintain Federal roads. Congress must start to alleviate this heavy financial burden by providing not less than \$90 million for BIA Roads Maintenance in FY 2024.

12. \$59 Million for Community Economic Development Projects. We seek \$59 million in targeted funding to support the development of shovel-ready community economic projects that would greatly benefit our Tribe and our citizens. Specifically, these are (1) full reconstruction of the fifty-year old Haaku Road that has structural failures throughout its length, contributing directly to dozens of vehicle crashes over the years (\$25 million request), and (2) development of the Acoma Business Park corridor that is planned to include a business incubator, retail and service enterprises, post office, and new housing to create jobs and generate revenue (\$34 million request).

13. \$40 Million for Mesa Hill Bridge Project under BIA Tribal Transportation Account. Acoma is bisected by a major transcontinental railway that is level with the existing roadway with minimal safety features. The flat terrain, lack of a fixed schedule for freight trains, and misjudgments on train speed and distance pose a significant public safety risk to motorists and pedestrians. Distressingly, there is no way to avoid the danger. Our healthcare and businesses are located on the north side of the tracks, while our community service facilities—such as Head Start, residential areas, and government buildings—are in the south. Our people must face the daily challenge of traversing the tracks to bring their children to school or attend medical appointments without the safety of an elevated crossing. Despite the clear threat to public safety posed by this situation, we have faced repeated barriers in accessing the necessary funds to construct the Mesa Hill Bridge. We urge Congress to provide \$40 million in targeted funding under the BIA Tribal Transportation Program to construct the Mesa Hill Bridge at Acoma Pueblo.

14. Increase BIA Irrigation Infrastructure Funding. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. This Act directs the Secretary of the Interior to conduct a study

of the irrigation infrastructure of the Rio Grande Pueblos, including Acoma. It also authorizes funding to address deficiencies identified by that study. The implementation of this act will favorably impact Pueblo traditional lifestyle and culture, which has been based on agriculture and irrigated lands for hundreds of years. We urge Congress to increase support for BIA irrigation projects on all New Mexico Pueblos in FY 2024.

15. Establish Regional BIE Tele-Education Learning Centers. Broadband is an essential service rapidly changing the educational landscape in rural communities. Acoma, however, continues to face significant challenges in this area stemming, in part, from a woefully inadequate municipal infrastructure and limited economic and educational resources. Rural education does not and should not mean limited opportunities for growth and development. We seek to expand Acoma's horizons by connecting Pueblo members with previously unheard-of access to local teleeducational resources. We ask for targeted funding for regional BIE tele-education learning facilities with an initial allocation of \$15 million to establish the account.

IV. Protect Wildlife and Natural Resources

16. Not Less Than \$8 Million for the BIA Endangered Species Program. The effective management and conservation of our natural resources is not limited to the waters, soil, and trees that form the rich landscape of Pueblo Country. We must also account and appropriately care for the diversity of wildlife that is meaningful to our culture and essential to maintaining our ecosystems' equilibrium. The BIA Endangered Species Program provides Tribal nations with the technical assistance and financial resources to protect endangered species on Tribal lands through natural resources restoration and management, as well as economic development. We recommend Congress provide at least \$8 million for the BIA Endangered Species Program.

17. \$42 Million for the Tribal Climate Resilience Program and Adequately Fund Cooperative Landscape Conservation Programs. Across America, communities are facing mounting challenges related to our progressively unstable natural environment. Invasive species, disappearing tree lines, and accelerated rates of erosion are also taking an increasing toll on our agricultural and natural resources. These two Interior programs equip Tribal nations with the tools to manage resource stressors, develop adaptive management plans, and engage in intergovernmental coordination. We request Congress appropriate \$42 million for the BIA Tribal Climate Resilience Program and restore adequate funding for Department-wide Cooperative Landscape Conservation programs.

[This statement was submitted by Governor Randall Vicente, Pueblo of Acoma.]

PREPARED STATEMENT OF PUEBLO OF SANTA CLARA

Recommendations:

1. IHS—Provide permanent full funding and advance appropriations for the IHS.
2. IHS—\$250 million with a self-governance funding mechanism option for SDPI.
3. DOI—Maintain the funding moratorium for energy leasing in the Greater Chaco Region.
4. BIA—\$20 million for Tribal Historic Preservation Offices.
5. BIA—Maintain \$1.5 million for NAGPRA enforcement.
6. DOI—\$1 million for implementation of the Safeguard Tribal Objects of Patrimony Act
7. BIA—\$300 million for BIA Criminal Investigations and Police Services.
8. BIA—\$50 million for Tribal Courts.
9. BIA—\$620,000 for juvenile education in BIA detention facilities.
10. BIA—Increase funding for all BIA disaster recovery and prevention programs.
11. BIA—\$15 million to establish a BIA Emergency Response Fund.
12. BIA—\$42 million for the Tribal Climate Resilience Program.
13. EPA—\$100 million for the EPA Tribal General Assistance Program.
14. USFS—\$15 million in priority funding for Tribal Forest Protection Act implementation.
15. BIE—Increase Tribal Education Department and Sovereignty in Education grant funding.

- 16. BIE—\$200 million for Facilities Operations and \$900 million for Facilities Maintenance.
- 17. BIE—\$600 million for Indian School Equalization Program.
- 18. DOI —Request Report Language to encourage waivers on cost match requirements.
- 19. BOR—Implementation of the Rio Grande Pueblos Irrigation Infrastructure Act.

Introduction. Thank you, Chair Merkley, Ranking Member Murkowski, and subcommittee Members for the opportunity to share our funding priorities for the FY 2024 Federal budget. My name is J. Michael Chavarria and I am the Governor of the Pueblo of Santa Clara in New Mexico. I offer the following recommendations for your consideration for FY 2024 and urge the Committee to remember that increases must be significantly greater than the rate of inflation for these programs to even tread water, when they need to be expanded.

Provide Full and Advance Appropriations for the Indian Health System. The Indian health system faces annually compounding challenges related to supplies, staffing levels, infrastructure and facilities, and high rates of negative health outcomes among AI/ANs as a result of the chronic failure to fully fund trust and treaty obligations in Indian health. Until this year, IHS was funded on an annual, discretionary basis, but at least for the next year it has been provided with advance appropriations. Santa Clara urges the Committee to support making advance appropriations permanent on at least a 2-year cycle, and to support a multi-billion dollar increase to achieve full funding in FY 2024.

\$250 Million with a Self-Governance Funding Mechanism Option for the Special Diabetes Program for Indians (SDPI). For program stability and expansion, we advocate for an increase in mandatory funding to \$250 million with automatic annual adjustments for medical inflation. We also ask that Congress authorize the use of either a grant (as currently used) or Public Law 93–638 funding mechanisms for SDPI participants consistent with Tribal sovereignty.

Maintain the Funding Moratorium Related to Energy Leasing in the Greater Chaco Region. We request that Congress maintain the moratorium on oil and gas leasing on Federal land in the withdrawal area of the Greater Chaco Region. We request this moratorium span the lifetime of the legislation rather than becoming ineffective upon completion of the ongoing Tribally-led cultural resource studies. However, if a temporal limit must be included, we ask the moratorium stay in place until completion of the studies as well as the Resource Management Plan Amendment.

\$20 Million to Support the Vital Work of Tribal Historic Preservation Offices (THPOs). The preservation of Tribal sacred and cultural sites is a priority for all Indian Country. Damage of these sites is often irreversible. More Tribes are establishing THPOs under the National Historic Preservation Act to protect this heritage. Our expert officers identify sites and coordinate with appropriate officials and third parties on their protection, as well as support the work of museum and research centers that house Tribal material culture and repatriated items. We request \$20 million for THPO support in FY 2024.

\$1.5 Million for Native American Graves Protection and Repatriation Act (NAGPRA) Enforcement. The provision of dedicated NAGPRA enforcement funding has contributed directly to the development of a more culturally competent understanding of the importance of Tribal patrimony to Native peoples for improved law enforcement activities. We ask that this funding be maintained in FY 2024 and beyond.

\$1 Million for Funding Implementation of the Safeguard Tribal Objects of Patrimony (STOP) Act. This law, passed in the last Congress, will assure the protection of many sensitive Tribal items from illegal export. It is important to put in place the necessary resources in the Federal Government to enable this law to be implemented. We request that at least \$1 million be allocated for FY 2024 for the purposes of implementation and enforcement of this law.

\$300 Million for BIA Criminal Investigations and Police Services. Tribal law enforcement and emergency services personnel strive to provide high-quality and responsive public safety services. They must often do this notwithstanding the effects of serious understaffing and insufficient resources. We urge a minimum of \$300 million for BIA Criminal Investigations and Police Services to effectively serve and protect our community, including additional resources for officer equipment, training, and innovation.

\$50 Million for Tribal Courts on a Permanent Ongoing Basis. Our Tribal Court requires additional resources to continue functioning efficiently and to address challenges related to resources, facilities, and court administration. To strengthen our

court system, we encourage the subcommittee to maintain its commitment to public safety and justice on Tribal lands and ask for at least \$50 million for Tribal Courts (TPA).

Increased Detention Services Funding and \$620,000 for Juvenile Detention Center Education. Public safety facilities and housing construction programs have been critically needed for many years. In the southwest the situation is particularly acute owing to the lack of any integrated substance abuse behavioral modification detention program since the closure of the Turning Point Program in Yuma, Arizona, in 2017. We need culturally-responsive detention services to improve recidivism rates and support long-term rehabilitation. We request increased funding for BIA detention services and at least \$620,000 for juvenile detention center education.

Increase Funding for BIA Disaster Recovery and Prevention Programs. The stewardship of natural resources is key to both the economic and cultural well-being of Pueblo people, particularly in this era of increasing climate uncertainty. Santa Clara has been devastated by three catastrophic wildfires with the threat of new fires and floods always on the horizon. We have invested heavily in the development of fire preparedness and suppression resources to protect life and property. We understand the fundamental importance of beneficial partnerships with the BIA and other agencies in this effort. Because of this work, we are proud to say that Santa Clara is home to award-winning Tribal forestry and land management departments. Expanding access to BIA disaster programs and deepening the resources available is critical. We ask for an increase across all these line items.

\$15 Million to Establish a BIA Emergency Response Fund. Many Tribal governments are hindered by the upfront investment costs and cost-sharing requirements of certain Federal emergency response programs. When coupled with bureaucratic delays in distributing funds, it often takes an unacceptable amount of time to receive disaster relief precisely when time is of the essence. We anticipate the need for these resources will only continue to grow and with quick access to funding becoming a top response need. We recommend an initial amount of \$15 million be allocated to establish a BIA Emergency Response Fund within the Office of Trust Services.

\$42 Million for the Tribal Climate Resilience Program and Restore Cooperative Landscape Conservation Programs. Across America, communities are facing mounting challenges related to our progressively unstable natural environment. Invasive species, disappearing tree lines, and accelerated rates of erosion are also taking an increasing toll on our agricultural and natural resources. These two Interior programs equip Tribes with the tools to manage resource stressors, develop adaptive management plans, and engage in intergovernmental coordination. We request Congress appropriate \$42 million for the BIA Tribal Climate Resilience Program and restore adequate funding for Department-wide Cooperative Landscape Conservation programs.

\$100 Million Minimum for the EPA Indian General Assistance Program. EPA resources enable our Pueblo to establish and maintain technical ability to support an array of projects that protect human health and the environment for our people and safeguard the natural resources that provide us with physical and spiritual sustenance. Without these funds, we would face tremendous hurdles in developing and maintaining environmental programs such as water quality monitoring and hazardous waste management. EPA Tribal GAP is an essential program assisting Tribes in developing the internal capacity to manage their own environmental protection programs. We request Congress provide at least \$100 million for EPA Tribal GAP funding to advance sustainable environmental protection measures in Indian Country.

\$15 Million in Priority Funding for Tribal Forest Protection Act (TFPA) Implementation. The TFPA (Pub. L. 108-278) authorizes the Interior Secretary to give special consideration to Tribally proposed Stewardship Contracting or other projects on Forest Service or BLM land bordering or adjacent to Tribal lands to protect trust and Federal resources from fire, disease, and other threats. This is a smart policy. Stewardship agreements are an important tool for fighting the ever-growing threat of wildfires that have devastated the west in recent years. TFPA was authorized, however, without a designated funding mechanism. As a result, efforts to the implement its beneficial provisions have been impeded. We request report language encouraging agencies to prioritize TFPA implementation to the greatest extent possible with at least \$15 million in dedicated funding.

Increase Funding for BIE Tribal Education Department (TED) and Sovereignty in Education Grants. These funds support the development of TEDs to improve educational outcomes for students and efficiencies and effectiveness in the operation of BIE-funded schools. The goal of the grants is to promote Tribal educational capacity building, which it has achieved in our community through our Department of Youth

and Learning and Pueblo-operated Kha'p'o Community School. To strengthen the exercise of sovereignty in Tribal education additional funding is needed for these grants, particularly as the TED line item has been flat funded for several appropriations cycles.

\$200 Million for BIE Facilities Operations and \$900 Million for BIE Facilities Maintenance and Construction. To flourish academically and personally, we must provide our children with safe and vibrant classrooms and engaging areas to play, as well as with after-hours wraparound services, but too many Tribal school facilities are in various States of disrepair. The backlog of unmet needs for these accounts has grown exponentially with Interior leadership testifying in July 2019 to a total identified deferred need of \$725 million, but increased costs since then justify \$900 million. We urge full funding of this unmet need for BIE Facilities Maintenance and for Operations.

\$600 Million for the Indian School Equalization Program (ISEP). These funds provide the core budget account for BIE-funded schools by covering teacher salaries, aides, principals, and other personnel. ISEP funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by Tribes. We strongly support an influx of investment in the ISEP in FY 2024 to at least \$475 million.

Report Language to Encourage Waiver of Cost Match Requirements. There are many Federal programs that require a Tribal cost match, frequently in an amount that is beyond the means of many Tribes, resulting in Tribes not being able to take advantage of a particular program or source of funding. Santa Clara urges the Committee to include report language that encourages Federal agencies to provide the maximum waiver possible for cost matches applicable to Tribes and Pueblos.

Implementation of the Rio Grande Pueblos Irrigation Infrastructure Act. In 2009, the United States Congress passed the Omnibus and Public Lands Act authorizing planning and implementation of improvements to irrigation infrastructure for the 18 Pueblos in the Rio Grande Valley in New Mexico. In February 2022, an amended report was released setting forth many of the needed improvements. Santa Clara urges this committee to fund these identified improvement needs.

[This statement was submitted by Governor Michael Chavarria, Pueblo of Santa Clara.]

PREPARED STATEMENT OF RAMAH NAVAJO SCHOOL BOARD

Honorable Chair, Ranking and subcommittee Members, Yá'at'ééh. My name is Martha Garcia, President of the Ramah Navajo School Board, Inc. Board of Trustees, joined by Ms. Carolyn Coho, Board member, and Mr. David Nez, Pine Hill School Superintendent. On behalf of the Ramah Navajo people, we are grateful to all the members of the U.S. House and Senate Appropriations subcommittees on Interior, Environment and Related Agencies for the opportunity to share our testimony. We are here today to respectfully inform you of our most pressing priorities for funding, all of which address our current challenges and are essential for continuing the vital programs and services that will move our community forward. These priorities are:

- Increased Funds for Our Community Services (BIA, BIE)
 - BIA Human Services (Social Services, Welfare Assistance, Housing Program);
 - BIA Community and Economic Development (Job Placement and Training);
 - BIA Tribal Government (Aid to Tribal Government);
 - BIE Elementary and Secondary Programs (Johnson-O'Malley Assistance Grants); and
 - BIE Post Secondary Programs (Scholarships & Adult Education)
- Increased Funds for Our School Operations (BIE)
 - BIE Elementary and Secondary Programs Forward Funded (ISEP Formula Funds, Student Transportation); and
 - BIE Elementary and Secondary Programs (Facilities Operations & Maintenance)
- Increased Funds for Our Health Services (IHS)
 - IHS Services (Hospitals & Health Clinics, Dental Health, Mental Health)
- Funds for RNSB Infrastructure Upgrades and New Energy Efficient Buildings
- Funds for Ramah Trading Post Renovation

INCREASED FUNDS FOR OUR COMMUNITY SERVICES (BIA, BIE)

Funding to support the community programs in our two Master Contracts is based on annual Congressional appropriations for key sub-activities in the BIA budget (Social Services, Welfare Assistance, Housing Program, Job Placement and Training, Aid to Tribal Government) and the BIE budget (Johnson-O'Malley Assistance Grants, Scholarships & Adult Education). Over the years, there have been no substantive increases in these contracts for RNSB. We respectfully request a significant increase in these budget sub-activities so that we can fully develop the programs and services that will help our community thrive. Because the annual funding for these mature contracts has remained static and largely unchanged since the days of Federal sequestration several Administrations ago, staff salaries have remained frozen and program costs have not been aligned with the increases that have occurred in inflation and the cost of living.

INCREASED FUNDS FOR OUR SCHOOL OPERATIONS (BIE)

Our core BIE account, ISEP Formula Funds, supports our school's operations. ISEP funding increases are vital to enhancing learning opportunities for all of our students through the training, development and retention of excellent teachers. Schools across the Nation are facing a significant teacher shortage and that shortage is particularly acute in more remote communities like ours on the Navajo Nation. New Mexico has responded to this nationwide teacher shortage by significantly increasing teacher pay. RNSB does not have the budget to compete with the salaries offered by the public schools in New Mexico. In order to effectively address this problem, we need increases in ISEP funds, paired with Full Funding for Teacher and Counselor Pay Parity, and opportunities to expand the benefits package that we offer our teachers and staff, including the opportunity to participate in the Federal Employee Retirement System (FERS). RNSB is also greatly concerned by the increased costs for student transportation and the deteriorating conditions of the roads serving our community. RNSB has been troubled by the BIE's outdated and incomplete student transportation funding formula, which currently underestimates Student Transportation needs. Most BIE-funded grant schools on the Navajo Nation exhaust their student transportation allocation by February of each school year. Additionally, full funding and forward funding for Facilities Operations & Facilities Maintenance (O&M) are urgently needed to cover the actual costs of repairing and maintaining all our buildings and facilities. Our current O&M funds only take care of 51% of the costs of operating and maintaining our buildings. In addition, that 51% of O&M costs must also include all the utilities costs. So, in the end, once the utilities are paid for, only 30 cents of every dollar needed to keep our buildings functioning properly is left. Further complicating matters, the Facilities Operations & Facilities Maintenance sub-activities are not forward funded, while most of the other accounts we need to operate our school are. This means that, if there are government shutdowns or continuing resolutions, we sometimes do not receive our limited O&M funds until the end of the school year!

INCREASED FUNDS FOR OUR HEALTH SERVICES (IHS)

The Pine Hill Health Center serves three counties in New Mexico and one county in Arizona: Cibola, McKinley, Catron, and Apache. Services are provided to the 19,023 residents of the four counties from the IHS Hospitals & Health Clinics budget activity. The Pine Hill Health Center has 6,462 active charts—5,252 are Native Americans and 1,210 are non-Native Americans. But our current funding, which is for 2,619 Native Americans, is wholly inadequate. With sufficient funding, the Pine Hill Health Center could provide services to 10,000 Native Americans and others, resulting in savings to the Federal Government. This high quality care is projected to cost \$5,000 per capita, annually. Our Behavioral Health program, funded by the IHS Mental Health budget activity needs to double its staff to accommodate a care team panel size of 2,626 clients. Nationwide, 50% of all healthcare patients have mental health issues, and we only have one care team available. In addition, our dental program, funded by the IHS Dental Health budget activity, currently has only one dentist on staff and a panel size of 1,600 patients. We need four dentists to accommodate 5,252 patients, and the funds to recruit and hire them.

FUNDS FOR RNSB INFRASTRUCTURE UPGRADES AND NEW ENERGY EFFICIENT BUILDINGS

In order to provide quality services and programs, we must have high quality, modern infrastructure in place to support what we do. We need good roads, as well as upgraded and expanded water and wastewater systems, electrical lines, utilities lines and access to broadband. We also need new buildings for our programs. Most

of RNSB infrastructure was built in the 1970s and early 1980s. Through natural wear and tear and despite having done due diligence in operations and maintenance, much of our infrastructure is in dire need of repair or replacement. The Federal funds we receive are primarily for providing direct services to the community and not for infrastructure repairs and replacement.

Thanks to recent infusions of Federal infrastructure and safety funding—some of which was from the CARES Act and American Rescue Plan Act (ARPA), we have successfully upgraded our dilapidated and dangerous high-voltage electrical system at Pine Hill. Additionally, we are in the planning phase with the BIA Division of Facilities Management and Construction for a new gymnasium and the renovation of our school buildings. While it has been both challenging and rewarding to be able to modernize some of our critical infrastructure with recent funding, much more needs to be done, which is described below.

ENERGY TRANSITION STRATEGIC PLANNING FOR RNSB AND RAMAH NAVAJO COMMUNITY

Energy costs continue to climb higher and higher for our old buildings and much of the infrastructure in these buildings, such as the HVAC systems, are inefficient or are no longer repairable. Looking towards the necessity of living in a changing climate and world, we want our buildings and work spaces to be safe and healthy, as well as climate-resilient and self-reliant. With designs that incorporate into these buildings our Diné teachings and Indigenous knowledge and technologies, we will be contributing to addressing the issues of climate change, such as the extreme weather and drought conditions that we face today, in a forward-looking manner. Key to this would be the development of a comprehensive strategic plan for energy transition as a first step. Such a plan would serve as a blueprint, outlining the goals for energy use, transition and resilience; completing energy audits at RNSB and in-community for all sectors of energy use (i.e., RNSB and community facilities, water/wastewater, residential housing, transportation, communications, safety, etc.); exploring the feasibility of retrofitting current RNSB and community facilities and energy usage sectors for energy production and efficiency, as well as opportunities for designing and creating new, sustainable and resilient energy-efficient systems (e.g., solar electricity, heat pumps, micro-grids) for RNSB facilities and in-community, thereby reducing greenhouse gas emissions and the overall costs of energy usage over time while increasing local energy sovereignty and resilience; and determining priorities for on-the-ground energy transition projects, their financing and timeframe. In order to initiate and complete this energy transition strategic plan, RNSB will need additional funding to hire experienced and highly qualified staff and consultants to assist in this critically important undertaking. We need Congress to consider these systemic challenges and opportunities that we face and to appropriate funding accordingly.

NEW ENERGY EFFICIENT RNSB FACILITIES NEEDED PLAN DESIGN BUILD

A number of our federally funded programs at RNSB, such as administrative services, finance, social services, adult/continuing education and RNSB archives, are housed in temporary portable BIA buildings that date back almost a half century. Other programs, like KTDB community radio station, are in facilities that have been damaged by moisture and mold, which have compromised the integrity of the space as well as the health of our staff, or have outgrown their space, such as the Pine Hill Health Center and Behavioral Health program. All of these buildings are now beyond routine maintenance and repair and are in desperate need of replacement with permanent facilities. These new facilities are envisioned to be 21st century work spaces, equipped with state-of-the-art energy-efficient and water conservation systems, while integrating design elements that reflect Ramah Navajo history, culture and lifeways. Ensuring that our staff have culturally-sensitive, safe, healthy and inviting work environments that are also accessible to the public will require additional funding to begin the process of planning—designing—building these urgently needed new, permanent facilities. Unfortunately, there appears to be no budget line item to fund the replacement of the very buildings that we use to operate and carry out these vital, federally-funded programs. We need Congress to change this.

FUNDS FOR RAMAH TRADING POST RENOVATION

The Ramah Trading Post served as an economic and social hub for Ramah Navajo families up until the 1980s. Not only does the trading post mark a particular historical and economic period for the Ramah Navajo people, its greatest significance comes from its location on Ramah Navajo ancestral lands, not far from the original ancestral home of our people in the Zuni Mountains. Funds are needed to plan for

the usage and restoration of this historic trading post and the adjacent structures and land surrounding it (7 acres). And, once given a new Indigenous life, it is envisioned that the Ramah Trading Post will be more than just a place of memories and stories, but a place where the rich and complex history of the Ramah Navajo people resonates—a history that underscores our enduring strength and resilience through periods of encroachment, terror and imprisonment during the Long Walk, settler colonialism and the return to self-determination—a place that will evolve to serve our people and the global community in new and vibrant ways into the future.

In closing, we appreciate your kind consideration and support of these priorities and look forward to working closely with you and your staff to address these priorities. Ahehee' thank you!

[This statement was submitted by Ramah Navajo School Board, Inc.]

PREPARED STATEMENT OF THE RECORDING ACADEMY

As the only trade association in Washington representing all music creators—songwriters, performers, and studio professionals—the Recording Academy is pleased to offer testimony to the Senate Committee on Appropriations subcommittee on Interior, Environment, and Related Agencies in support of a continued increased funding for the National Endowment for the Arts (NEA) in Fiscal Year 2024 of no less than the \$211 million. The Recording Academy is proud to support the NEA and its initiatives to enrich American music and culture.

The NEA brings music and the arts to communities across the country, and its mission has never been more important. The agency is an indispensable part of the Nation's \$867 billion creative economy and is well-positioned to invest in local arts sectors in all 50 States. As such, the Recording Academy supports increasing funding of the NEA for the coming fiscal year.

Through supporting music and the arts, the NEA empowers local communities, improves student development, and advances cultural achievements. Considering that NEA grants yield more than \$500 million in matching support-leveraging outside funds at a ratio of 9:1—it is financially one of the smartest investments the government can commit to. In the music industry, the NEA supports more than \$50 million in music related direct grants each year—bringing music, and matching investments, to your States. From Eugene Concert Choir in Oregon (\$10,000, in 2023) to the Juneau Jazz & Classics in Alaska (\$10,000, 2023); and from Seattle Pro Musica in Washington (\$15,000, 2023) to the Bowdoin International Music Festival in Maine (\$10,000 in 2023), the NEA has proven to support and foster local music communities and opportunities.

The Recording Academy applauds Congress's bipartisan and bicameral willingness to support the NEA during recent appropriations processes, but the Agency remains in need of additional funding in order to fulfil its mission of expanding access to and participation in the arts. Robust funding for the NEA will ensure the agency can provide grants across all 50 States, while promoting more equitable access and reaching more diverse audiences.

As you finalize appropriations for FY24, please make a strong commitment to the arts and music with robust funding for the NEA.

[This statement was submitted by Todd Dupler, Acting Chief Advocacy Officer, Recording Academy.]

PREPARED STATEMENT OF SELF-GOVERNANCE COMMUNICATION & EDUCATION TRIBAL CONSORTIUM

On behalf of SGCETC, I am submitting this written statement regarding funding priorities for the FY 2024 budgets for the Departments of the Interior's (DOI) Bureau of Indian Affairs (BIA), Health and Human Services' (HHS) Indian Health Service (IHS) and Environmental Protection Agency (EPA).

The fiduciary responsibilities of the United States to Tribal Nations arise from commitments made in treaties and agreements, in exchange for which Indians relinquished vast tracks of homelands and resources.¹ More than 380 Tribal Nations have entered into Self-Governance agreements with the DOI and/or IHS to transfer Federal resources and programs from Federal to Tribal administration to better serve the needs of their citizens and communities. Tribal Nations that elect to administer Federal programs through Self-Governance agreements know that in-

¹ Pub. L. No. 114–178, § 101, 130 Stat. 432 (2016) (codified at 25 USC § 5601).

creased Tribal control and decision-making authority results in improved social and economic well-being at the local level.

Tribal Nations assuming administration over programs once administered by Federal agencies, do so knowing that this does not abrogate the Federal Government's treaty and trust obligations. It empowers Tribal governments as sovereign nations to best determine the needs of their citizens and communities while bolstering Tribal economies and job creation for Indian country and surrounding non-Native communities. As such, we offer the following recommendations:

INCREASE BASE BUDGETS AND RECURRING FUNDING FOR INDIAN PROGRAMS AND REDUCE RELIANCE ON GRANT FUNDING

Across the board, Federal Indian programs are significantly underfunded. The lack of adequate funding puts the lives of Tribal citizens at risk and limits the services provided by Tribal governments. Increases in base budgets for Indian programs will allow Tribes to fund core Tribal government programs and will provide an opportunity for additional Tribal Nations to participate in Self-Governance.

SGCETC supports the growing sentiment expressed by Tribal Nations that we do not want our funding sources to be increasingly supplemented by grants. Short-term competitive grants hinder Self-Governance because it creates uncertainty in planning, imposes extensive regulations and reporting requirements, and restricts the use of indirect costs. Tribal Nations are not non-profit organizations and should not be treated as such. The signers of the over 400 treaties between Tribal Nations and the United States did not sign with the intent of being dependent on grants. Lives were not lost, nor land ceded for our needs to be dependent on the review of a grant application package.

RECLASSIFY SECTION 105(L) COSTS AS MANDATORY SPENDING

Pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), most Tribal Nations now administer programs that were previously administered by the Federal Government, which results in the need for Tribal facilities to house these programs. Section 105(l) of the ISDEAA, 25 USC § 5324(l), provides that the Secretaries of DOI and HHS must enter into leases with an Indian Tribe or Tribal organization for the administration and delivery of services under the ISDEAA. Section 105(l) requires both Secretaries to compensate each Indian Tribe or Tribal organization for infrastructure costs, including rent, depreciation, operation and maintenance, and other reasonable expenses. Tribal Nations across the country are successfully entering into Section 105(l) agreements with both DOI and HHS to be compensated for the use of Tribal facilities that are needed to fulfill Federal responsibilities.

Tribal Nations commend Congress in recognizing the Federal Government's obligation to fully fund 105(l) leases. The next step in fostering this progress is by reclassifying Section 105(l) lease funding from discretionary to mandatory spending.

RECLASSIFY CONTRACT SUPPORT COSTS (CSC) AS MANDATORY SPENDING

ISDEAA obligates the Federal Government to provide Tribal Nations with the necessary funding to ensure that a Tribal Nation has the resources to contract or compact Federal programs. In 2005 and 2012, the Supreme Court confirmed that the ISDEAA requires full payment of CSC to each contractor even when Congress caps CSC appropriations at a level insufficient to fully pay all contractors.² Despite the progress realized, Congress still funds CSC as an indefinite discretionary appropriation which creates an environment of competition with other programs funded in the agencies' discretionary budget. Additional progress cannot be achieved, in this matter, until CSC is not required to compete against funding for Indian programs. The way to remove this element of competition is to appropriate CSC on a mandatory basis.

ADVANCE APPROPRIATIONS FOR TRIBAL PROGRAMS AND SERVICES

We are grateful that Congress enacted Advanced Appropriations for the Indian Health Service for FY2024; however, we now urge Congress to extend advanced appropriations to the Bureau of Indian Affairs and the Bureau of Indian Education (BIE). Providing appropriations 1 year in advance for the BIA and BIE will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribal Nations to engage in more effective strategic planning, spend funds more efficiently,

² Cherokee Nation of Okla. v. Leavitt, 543 US 631 (2005); Salazar v. Ramah Navajo Chapter, 567 US 182 (2012)

grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and communities.

SUPPORT THE EXPANSION OF TRIBAL SELF-GOVERNANCE AUTHORITY IN EPA

Tribal Nations have proven their ability and effectiveness administering Federal programs that provide services to their citizens and communities. Now is the time to support expansion of this successful approach for the delivery of Federal programs, services, functions, activities, and resources to Tribal communities beyond just the DOI, HHS, and Department of Transportation. We request that the Committee includes funding for a Tribal-Federal workgroup on the feasibility of expanding Self-Governance to EPA and how such authority would be implemented, possibly as demonstration projects.

Thank you for the opportunity to share our recommendations with the subcommittee.

[This statement was submitted by Hon. W. Ron Allen, President, Board of Directors, Self-Governance Communication & Education Tribal Consortium (SGCETC) and Tribal Chairman/CEO, Jamestown S'Klallam Tribe.]

PREPARED STATEMENT OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY

The Society for American Archaeology (SAA) once again appreciates this opportunity to present its recommendations for fiscal year 2024 cultural resources program appropriations for the Department of the Interior. I am Dr. Daniel H. Sandweiss, president of the SAA.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 5,500 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at Tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

The members of the SAA thank the subcommittee for supporting an increase in funding for Federal and federally funded historic and cultural preservation programs in FY 2023. These programs, created under the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and other preservation statutes and funded through annual appropriations, constitute the foundation of these activities in the United States. These activities comprise the principal means of preserving and protecting our Nation's irreplaceable historic, archaeological, and cultural treasures. In addition to ensuring that all Americans can learn about and enjoy the artifacts and knowledge of America's history, funding Federal archaeology programs facilitates economic growth and infrastructure project delivery.

Given the above, our testimony for FY 2024 appropriations continues to emphasize the message that we have expounded on for the past 3 years—protecting our irreplaceable historic and cultural legacy requires the necessary staffing and resources, especially for State Historic Preservation Offices (SHPO) and Tribal Historic Preservation Offices (THPO), and in Federal archaeologist staff levels. Some progress was made during FY 2023, but to maintain the momentum, we urge increased allocations for FY 2024.

DEPARTMENT OF THE INTERIOR-INCREASE ARCHAEOLOGIST STAFF: \$10 MILLION

Federal archaeologists perform a huge number of important tasks. Recent fiscal years saw an increase in the number of Federal archaeologists. In FY 2020, there were 1,371 archaeologists government-wide. Federal archaeologists increased by 37 in FY 2021, and by 70 in FY 2022, for a total of 1,478 (1,377 were permanent Federal employees, and 101 were term or seasonal appointments). Of that number, 572 currently work in the Department of the Interior. This represents some progress in the government's ability to meet the increase of projects authorized under recent legislation including the Bipartisan Infrastructure Law, the Inflation Reduction Act (IRA), and the Great American Outdoors Act. Nevertheless, the scale of the work is immense. The following table shows the number of acres overseen by the top land-managing agencies and the number of archaeologists each agency employs to carry out reviews under Section 106 of the NHPA for federally funded projects, projects requiring a Federal permit, or projects on Federal lands; conducting surveys for historic and cultural resources under Section 110 of the NHPA; protection of archaeological sites and materials and investigating instances of looting of sites under

the Archaeological Resources Protection Act (ARPA); preservation and repatriation of highly sensitive cultural and spiritual Tribal objects under the Native American Graves Protection and Repatriation Act (NAGPRA); consultation with Indigenous and descendant communities on the effects of Federal actions on their cultural resources; addressing cultural resources in NEPA documents; development of contracts and cooperative agreements between Federal agencies and private firms or universities; technical assistance on archaeological matters; coordination and management of volunteers helping to preserve cultural sites; and curation of Federal archaeological collections.

Agency	Acreage	Archaeologists
BLM	244 million	217
USFS	191 million	462
USFWS	89 million	22
NPS	80 million	268
DOD	9 million*	305
Total	613 million	1,274

*Domestic acreage only

If the Section 106 process is to function effectively, and federally sponsored undertakings are to be delivered in a timely manner, the NPS, BLM, other DOI agencies need still more archaeologists to satisfy the statutorily required and program responsibilities.

NATIONAL PARK SERVICE-NATIONAL RECREATION AND PRESERVATION CULTURAL PROGRAMS: \$44.1 MILLION

The overwhelming majority of our Nation's parks contain historical and cultural sites, including sacred lands of deep meaning and critical importance to Indigenous Americans and places that tell the story of America's history and development. NPS National Recreation and Preservation Cultural Programs provide vital technical assistance and other support for resource protection within National Parks and for other Federal agencies. The archaeological component identifies, documents, and inventories archaeological resources in parks; produces archaeological technical and programmatic publications; implements regulations for protecting archaeological resources; and assists other agencies through program development and training. The SAA greatly appreciates the \$39.3 million allocation in the final FY 2023 bill and supports the administration's request for \$44.1 million for FY 2024. \$3 million of the requested increase for FY 2024 should go to fund the new African American Burial Ground Network program. Other priorities that the subcommittee should support include:

- Establishing baseline data—baseline information about archaeological sites (their types, locations, and condition) is vital for meeting resource management objectives and in complying with statutes that protect our Nation's cultural heritage. Accurate baseline data expedites NHPA Section 106 compliance in particular, especially related to infrastructure. Some NPS units still have inadequate baseline inventory data.
- Digital data management—the NPS manages over 80,000 archaeological sites. There is a "Cultural Resources Inventory System" (CRIS) that contains information about archaeological sites, cultural landscapes, historic structures, and ethnographic resources. Many fields within the database remain unpopulated, however, and more information is needed that would aid park planning efforts, make data accessible during emergencies, and support geospatial modeling to facilitate identification of resources most vulnerable to climate change or looting. Improving the CRIS database would greatly improve access to data about archaeological sites and improve planning and management.
- Digitizing the permitting process—the NPS is exploring the feasibility of creating a web-based process for ARPA and Antiquities Act permitting, which would reduce review workloads and approval time frames for program staff. A more efficient process is now critical, as more infrastructure and renewable energy projects that require NHPA Section 106 compliance are proposed for NPS lands. This model could also be applied by other agencies.

In addition to the administration's request, Congress should explore applying funding under the IRA to the above initiatives.

NATIONAL PARK SERVICE-HISTORIC PRESERVATION FUND: \$225 MILLION

The Historic Preservation Fund (HPF) provides crucial support to SHPOs and THPOs and matching grants to nonprofits and local governments to preserve and document historic resources. The HPF (among other programs) plays a crucial role in the ability of States and local municipalities to comply with the preservation system established by the NHPA-particularly with regard to Section 106 consultations. SHPOs and THPOs constitute the "front line" in the effort to preserve our cultural heritage. With the passage of the Bipartisan Infrastructure Law and the Inflation Reduction Act, their workloads continue to expand. In addition to compliance with Section 106, communities rely on HPF grants to attract tourism, retain a unique sense of place, and promote economic development.

The increases for the HPF in the omnibus FY 2023 appropriations legislation were badly needed. THPOs in particular faced-and continue to face-a difficult situation. There are 215 offices, and more are added each year, but even with the current year increase of \$7 million (to \$23 million), the average THPO receives just \$107,000. Though an improvement over earlier allocations, this remains an inadequate amount for the tasks that they continue to face, including engagement on a government-to-government basis with Federal agencies on many undertakings. Unfortunately, the president's request of \$177.9 million for the HPF, which would represent an overall decrease of \$26.6 million from FY 2023 enacted levels, is wholly inadequate, even though SHPO and THPO funding would remain the same. The SAA strongly endorses the recommendations put forward by the preservation community in February for a total of \$225 million for the HPF in FY 2024, of which \$70 million would go to SHPOs and \$34 million to THPOs.

Bureau of Land Management-Cultural Resources Management: \$25 million

The BLM manages 245 million acres, which makes the agency the largest land manager in the United States. These lands contain an enormous number of known and as-yet-undiscovered cultural resources, many of which are in remote locations, and some are in areas with high visitation rates. Many sites on BLM lands are subject to looting, particularly in the Southwest. Patrol, inventory, and monitoring of cultural heritage sites is essential to their protection, and the 217 archaeologists on staff, along with the small number of other cultural resources specialists and law enforcement officers, is simply not enough to accomplish the mission. BLM lands also contain sites and areas, such as Bears Ears, that many Tribes consider sacred. The low staffing levels make liaising with Tribal officers during project planning very difficult, especially with respect to sacred sites and areas. The BLM needs additional funding to support more staff to do its work around protecting, inventorying, and monitoring cultural resources, in addition to providing effective Tribal consultation. The administration's requested increase is insufficient. We urge Congress to allocate \$25 million to this important program.

BUREAU OF LAND MANAGEMENT-NATIONAL LANDSCAPE CONSERVATION SYSTEM: \$72.9 MILLION

The National Landscape Conservation System (NLCS), first established in 2000 and authorized by Congress in 2009, contains more than 35 million acres of National Monuments, Wilderness Areas, Wild and Scenic Rivers, and other sensitive lands. This land also includes an extensive and diverse array of the Nation's archaeological and cultural resources. We thank the subcommittee for supporting the \$12.3 million increase in the FY 2023 omnibus appropriations bill for this account, thus restoring the NLCS to its FY 2006 funding level of \$65.1 million. In order to secure the gains made to stewardship of these lands and the cultural resources they contain, we support the administration's request of \$72.9 million for FY 2024, an increase of \$11.3 million. More than \$5 million of this increase will go toward much-needed management changes, and \$3 million for the Increasing Representation in Our Public Lands initiative, which expands preservation of the historic and cultural sites important to traditionally underrepresented groups.

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT GRANTS: \$3.4 MILLION

The NAGPRA Grants Program is the primary means of restoring culturally affiliated human remains, funerary objects, sacred objects, and objects of cultural patrimony to their Native American Tribes and Native Hawaiian organizations. These ancestors and sacred items represent critical heritage for their traditional beliefs and practices. The program fills a key role in facilitating cooperation between Tribes and museums to document covered items and realize their repatriation under

NAGPRA. Although the law was passed in 1990, over 30 years ago, many museums, universities, and Federal agencies have not completed their mandated inventories, let alone repatriated remains. In FY 2022 a total of \$2.15 million was allocated to grant recipients for consultation between Tribes and repositories, documentation of items in covered collections, and repatriation of claimed objects to affiliated Tribes and lineal descendants. Nevertheless, FY 2022 saw 17 grant applications go unfunded. In fact, in most years since the program's FY 1994 inception, the number of requests exceeded the amount of available funding. We congratulate the subcommittee for agreeing to a FY 2023 allocation of \$3.4 million. This substantial increase will go a long way toward eliminating the backlog of unfunded requests. In order to ensure that this trend continues, and that sensitive objects of cultural patrimony are returned to the affiliated Tribes as the law intended, we ask that the panel approve another \$3.4 million for the NAGPRA Grants Program for FY 2024, no change from the current fiscal year.

IMPLEMENTING THE STOP ACT-\$3 MILLION

Late last year the president signed the Safeguard Tribal Objects of Patrimony Act into law. The SAA applauds this important measure that will create an explicit prohibition on the export of items obtained in violation of NAGPRA or ARPA, make it easier for Native American Tribes to access other countries' law enforcement mechanisms to regain their stolen property, increase penalties for violations of NAGPRA, facilitate coordination between the government and Tribes to protect Tribes' cultural heritage and enable its return, establish an export certification system to allow for transactions of legally acquired materials, and establish a Federal framework to support voluntary returns from private collections. The act authorized \$3 million in FY 2024 for its implementation. We ask that the FY 2024 appropriations legislation include this funding so that the work of carrying out the STOP Act can begin.

The SAA greatly appreciates your time and consideration of these important issues. Please contact us if you have any questions or concerns.

[This statement was submitted by Daniel H. Sandweiss, President of the Society for American Archaeology.]

PREPARED STATEMENT OF THE SOCIETY OF AMERICAN FORESTERS

The Society of American Foresters (SAF) appreciates the opportunity to submit written public testimony to the Senate Committee on Appropriations, subcommittee on Interior, Environment, and Related Agencies regarding fiscal year (FY) 2024 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).

SAF'S TOP FEDERAL PRIORITIES FOR FY 2024

- (1) Continued investment in the USFS Forest Inventory and Analysis (FIA) program at no less than \$32.2 million in program dollars and \$54.9 million allocated from Forest and Rangeland Research Salaries and Expenses.
- (2) Increased investment in the USFS Research and Development programs to \$80 million and continued support for the Joint Fire Science program.
- (3) Increased investment in the Forest Products program to \$47 million and the Roads program under Capital Improvement and Maintenance to \$86 million to better support National Forest System lands and rural economies.
- (4) Fully funding the Landscape Scale Restoration program at \$20 million and increased investment in the Forest Stewardship program to \$22 million.
- (5) Permanently authorizing BLM's Forest Ecosystem Health and Recovery Fund.

Founded by Gifford Pinchot in 1900, SAF is the premier scientific and educational organization in the United States advancing and promoting science-based, sustainable management and stewardship of the Nation's public and private forests. SAF has over 9,000 members including 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.

Americans rely on the 751 million acres of public and private forests in the US to provide clean and abundant air and water, forest products, fish and wildlife habi-

tat, recreational opportunities, carbon sequestration and storage, forage and range resources, energy, and scenic beauty.

Continuing to sustainably manage our forests for these diverse benefits has become increasingly challenging due to unprecedented environmental threats. In particular, the climate change and biodiversity crises illustrate the need for continued investment in the forest sector.

While wildfires and carbon storage are likely the most topical issues in the public discourse surrounding forests today, a myriad of challenges faced by forestry professionals are intensifying under changes in climate (e.g., invasive pests, disease, species migration, water availability). In the face of these challenges, forestry professionals continue to create an adaptive suite of forest management solutions that balance resilience, ecological integrity, and natural resource economies. Implementing these solutions and ensuring the sustainability of our forests requires continued investment in our forestry professionals.

Healthy, viable forests are long-term investments. Funding for research, science, and technology is essential to building effective programming with sufficient workforce capacity to protect our forests for the future.¹ Furthermore, breaking the pattern of unresolved funding bills and continuing resolutions would be of tremendous help to our land managers. A commitment to consistent and timely budget and appropriations cycles from Congress and the Administration provides the certainty required for resource managers to plan for the upcoming field season and consider future years as well. This certainty will dictate management activities and allow managers to provide direction and instruction on deployment of resources to address critical needs.

SPECIFIC FY 2024 REQUESTS

Advances in research have highlighted the instrumental role that forests continue to play in mitigating the effects of climate change. For example, US forests and associated harvested wood products sequester nearly 16% of economy-wide CO₂ emissions each year and store more than three decades of CO₂ emitted from fossil fuels.² USFS Forest and Rangeland Research is one of the critical bodies ensuring the longevity and resilience of our forests by advancing climate-smart, ecological management strategies across the landscape.³

FOREST AND RANGELAND RESEARCH

FOREST INVENTORY AND ANALYSIS

Forestry professionals and a diverse array of stakeholders rely on the inventory data and analysis of America's forests provided by the Forest Inventory and Analysis (FIA) program. This critical information is needed to support sound policy and forest management decisions across all landscapes and is increasingly important for decisions regarding carbon stocks, sustainability, and existing and expanding markets. We thank you for the additional \$10 million in programmatic funding provided in FY23. This investment will enable the Forest Service to deliver on stakeholder priorities, including funding States and cooperators that help deliver the program at the current costs of doing business, fully funding plot collection in interior Alaska, bolstering Timber Products Output (TPO) data collection, expanding analysis of forest carbon, growing remote sensing partnerships with NASA, and developing new partnerships in urban forest inventory. SAF recommends at least \$32.2 million in program funding for FIA in FY 2024. Additionally, of the amount allocated for Salaries and Expenses (S&E) in Forest and Rangeland Research, we urge Congress to direct \$54.9 million for the FIA program. Fully operationalizing significant program expansion as envisioned in the FY23 omnibus necessitates both programmatic and S&E increases. These two pots of money are used in tandem by the Forest Service in program delivery.

¹Society of American Foresters. Forest Sector Research and Development. Last updated April 30, 2021.

²Domke, Grant M.; Walters, Brian F.; Giebink, Courtney L.; Greenfield, Eric J.; Smith, James E., Nichols, Michael C.; Knott, Jon A.; Ogle, Stephen M.; Coulston, John W.; Steller, John. 2023. Greenhouse gas emissions and removals from forest land, woodlands, urban trees, and harvested wood products in the United States, 1990–2021. Resour. Bull. WO–101. Washington, DC: U.S. Department of Agriculture, Forest Service, Washington Office. 10 p. <https://doi.org/10.2737/WO–RB–101>.

³United States Department of Agriculture, Forest Service, Research & Development (2021). Research Improves Climate-Smart Management of America's Forests and Grasslands (Report No. FS–1175).

RESEARCH AND DEVELOPMENT

Investments in forestry research are essential for the future health and sustainability of the Nation's forests. Research conducted at the five USFS research stations, the International Institute of Tropical Forestry, and in the Forest Products Laboratory is crucial to: (1) developing new products and practical innovation; (2) identifying forest ecosystem disturbance responses and forest resilience; (3) responding to shifting social demands and demographic changes; (4) and quantifying 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. SAF recommends \$80 million for the Research and Development program in FY 2024.

JOINT FIRE SCIENCE

SAF appreciates this subcommittee's commitment to continuing the important work of the Joint Fire Science Program (JFSP). SAF recommends funding for the JFSP at or above FY 2023 levels and asks the subcommittee to encourage active participation by DOI and USFS in prioritizing investment in fire research and decision support.

CAPITAL IMPROVEMENT AND MAINTENANCE

ROADS

Roads on National Forest System lands are vital infrastructure facilitating the use, enjoyment, protection, and long-term health of Federal lands. Properly maintained roads enable the agency to meet critical natural resource needs and provide safe access to public lands. Unfortunately, with annual appropriations not nearly matching the need, properly maintaining this vital infrastructure has become increasingly challenging. Deteriorating roads reduce access for recreation, firefighting, and resource management. Investments in these critical assets will create jobs in rural communities while also improving wildlife habitat, hunting and fishing opportunities, public safety, and resource management. Conversely, a lack of investment in this program directly impacts fuels reduction work, watershed health, and other Bipartisan Infrastructure Law projects. SAF recommends \$86 million for the Roads program in FY 2024.

NATIONAL FOREST SYSTEM

FOREST PRODUCTS

The Forest Products program supports the agency's goals to foster resilient ecosystems, mitigate climate change and wildfire risks, and strengthen rural communities through timber sales and other removals of forest products. Increased investment would not only support a sustainable flow of wood fiber to markets but also launch more projects focused on removing small diameter, low-value material, and understory trees that are not commercially viable but need to be removed to reduce the risk of wildfire or improve forest health conditions. SAF recommends \$47 million for the Forest Products program in FY 2024.

STATE AND PRIVATE FORESTRY

LANDSCAPE SCALE RESTORATION

Landscape Scale Restoration (LSR) projects are key tools for States, in collaboration with the USDA Forest Service and other partners, to address the most critical forest priorities identified in each State's Forest Action Plan. The competitive grant process ensures innovative approaches to restoration work are proposed and priority is given to projects that further the advancement of State Forest Action Plans. Therefore, LSR contributes to achieving results across the landscape and making meaningful local, regional, and national impacts. SAF recommends full funding for the Landscape Scale Restoration program at \$20 million in FY 2024.

FOREST STEWARDSHIP

The Forest Stewardship Program (FSP) equips private forest landowners with the unbiased, science-based information they need to sustainably manage their forests now and into the future, helping to keep forests as forests. On average, state forestry agencies and other partners match Federal investments 2:1, which means the

impact of Federal dollars delivered through the FSP have amplified on-the-ground impacts. Increased Federal funding for FSP will allow state forestry agencies and forestry professionals to ramp up outreach efforts and provide additional technical assistance to landowners to ensure that private forestland acres are maintained and continue to provide a myriad of public benefits. SAF recommends \$22 million for the Forest Stewardship program in FY 2024.

DEPARTMENT OF THE INTERIOR-BUREAU OF LAND MANAGEMENT

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

Managing BLM forestlands is an important element of maintaining and improving the health and productivity of our Nation's public lands. The Forest Ecosystem Health and Recovery Fund (referred to as the 5900 Account by BLM) was originally established in 1993 to help BLM rapidly respond to forestlands damaged by wildfire, insects, and disease. Over the years, the authorization has expanded to include a wide range of proactive forest health treatments to reduce the risk of future damage as well as a variety of recovery activities including salvage and replanting.

The Forest Ecosystem Health and Recovery Fund is self-funded with receipts generated from the sale of forest products resulting from projects planned and executed to meet the purposes of the fund. Since its creation, the fund has provided an additional \$4-10 million annually to improve forest health and resilience on BLM forestlands.

SAF believes that the justification for this fund is stronger than ever. Given hotter and drier summers, our forests are subjected to increased insect and disease damage and longer and more extreme wildfire seasons. Public land managers-including BLM foresters-need proper resources to manage forests to reduce fuel loads, salvage damaged timber, and make forests more resilient to disturbances. SAF requests that the subcommittee consider permanent authorization for the Forest Ecosystem Health and Recovery Fund (PL 102-381).

[This statement was submitted by Terry Baker, Chief Executive Officer, Society of American Foresters.]

PREPARED STATEMENT OF THE SOUTHEASTERN WOOD PRODUCERS ASSOCIATION

The Southeastern Wood Producers Association, Inc. represents the loggers of Florida and Georgia. We are strong supporters of the Forest Inventory and Analysis (FIA) program funded by the USDA Forest Service (Forest Service). We rely on the inventory, data, and analysis provided by the program, which make up the backbone of scientific knowledge on the current state of the Nation's forests. This critical information is needed to support sound policy and forest management decisions across all land ownerships and is increasingly important for decisions existing and expanding markets.

We thank you for the additional \$10 million in FIA programmatic funding provided in Fiscal Year (FY) 2023 and look forward to working with you to further improve FIA's capabilities in FY24. The FY23 funding increase will enable the Forest Service to deliver on many of our priorities, including funding States and cooperators that help deliver the program at the current costs of doing business, fully funding plot collection in interior Alaska, bolstering Timber Products Output (TPO) data collection, expanding analysis of forest carbon, growing remote sensing partnerships with NASA, and developing new partnerships in urban forest inventory.

We urge Congress to continue to support FIA with no less than \$32.2 million in program dollars for FY24. Additionally, of the amount allocated for Salaries and Expenses (S&E) in Forest and Rangeland Research, we urge Congress to direct \$54.9 million for the FIA program. Fully operationalizing significant program expansion as envisioned in the FY23 omnibus necessitates both programmatic and S&E increases. These two pots of money are used in tandem by the Forest Service in program delivery.

Unfortunately, since USFS budget modernization in FY21, Congress has lost the ability to directly prescribe how much S&E funding is devoted to FIA. We respectfully ask that Congress reinstate that authority in its FY24 appropriations bill. By explicitly outlining the amount directed toward FIA program S&E, Congress can help improve transparency for all stakeholders.

Programmatic funding increases with commensurate increases to S&E are critical to fully delivering on Congressional priorities outlined in the FIA Strategic Plan.¹ This plan includes improved carbon and biomass estimates, enhanced timber products monitoring, enhanced landowner studies, research into land cover and land use change, and urban forest inventory. All these items add immense value to the understanding of our Nation's forests but are not possible at current funding levels and are critical, given the increasing demand for FIA data.

Additionally, budget modernization has made it difficult for external stakeholders to determine what budget resources FIA devotes to its various programmatic areas and what budget resources are necessary for FIA to meet its mission. To further improve transparency, we urge Congress to direct FIA to annually publish its programmatic cost elements and prioritization in its annual budget justification and business report.

Looking forward, we would like to draw attention to the growing importance of moving to a nationwide 5-year data collection cycle. Currently, funding allows the eastern United States to be measured every 7 years, while the west is on a ten-year remeasurement cycle. Considering increasing frequency and severity of forest disturbances such as wildfires and hurricanes, the current cycles are inadequate to capture our rapidly changing forest landscapes.

Given the increasing pressures facing our forests-climate impacts, wildfire, insects and disease, and development-the FIA program is more important now than ever before. We look forward to working with Congress and the Forest Service to continue sustainably growing this program and ensuring accurate and timely inventory of America's forests.

[This statement was submitted by Southeastern Wood Producers Association, Inc.]

PREPARED STATEMENT OF THE SQUAXIN ISLAND TRIBAL LEADERSHIP

On behalf of the Squaxin Island Tribal Leadership and citizens, it is an honor to provide our priority funding requests and recommendations for the FY 2024 Budgets for the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Indian Health Service (IHS) and related agencies. We applaud the Committees' work to include advance appropriations for the IHS in the FY 2023 omnibus spending package and we hope that this will remain for each fiscal year. Squaxin Island is continuing to work to also include the BIA and BIE funding in advance appropriations to prevent funding lapses and other unintended consequences associated with short-term funding measures from disrupting critical services to American Indians and Alaska Natives provided by the Federal Government. We will also continue to advocate and urge Congress to shift funding for all Tribal programs to mandatory direct appropriations with the hope that Tribal program funding throughout the Federal Government will be exempt from sequestrations, rescissions, and disproportionate cuts.

SQUAXIN ISLAND TRIBE Specific Requests:

1. +\$13 million Construction of New Health Center
2. Northwest Indian Treatment Center (NWITC) Residential Program in IHS
 - A. +\$1.5 million—Medicine Building
 - B. +\$250,000—Sustain Operations
3. +\$900,000 Shellfish Management Program—BIA

SUPPORT NATIONAL and REGIONAL FY 2024 BUDGET Requests and Recommendations for the Bureau of Indian Affairs, Indian Health Service and Bureau of Indian Education—by the National Congress of American Indians, National Indian Health Board, National Indian Education Association, Affiliated Tribes of Northwest Indians and the Northwest Indian Fisheries Commission

SQUAXIN ISLAND TRIBE BACKGROUND

We are native people of South Puget Sound and descendants of the maritime people who lived and prospered along these shores for untold centuries. We are known as the People of the Water because of our strong cultural connection to the natural beauty and bounty of Puget Sound going back hundreds of years. The Squaxin Island Indian Reservation is in southeastern Mason County, Washington and the Tribe is a signatory to the 1854 Medicine Creek Treaty. Our treaty-designated res-

¹ <https://www.fia.fs.usda.gov/library/bus-org-documents/docs/strategic-plan-docs/FIA%20Strategic%20Plan%20FS-1079.pdf>

ervation, Squaxin Island, is approximately 2.2 square miles of uninhabited forested land, surrounded by the bays and inlets of southern Puget Sound. Because the Island lacks fresh water, the Tribe has built its community on roughly 26 acres at Kamilche, Washington purchased and placed into trust. The Tribe also owns 6 acres across Pickering Passage from Squaxin Island and a plot of 36 acres on Harstine Island, across Peale Passage. The total land area including off-reservation trust lands is 1,715.46 acres. In addition, the Tribe manages roughly five hundred acres of Puget Sound tidelands.

Our Tribal governance combines our sovereign powers as well as U.S. Congressional acts related to treaties, statutes, and public law. Squaxin Island is one of the first 30 Federally recognized Tribes to enter a Compact of Self-Governance with the United States in both the Departments of the Interior and Health and Human Services. Prior to COVID-19, the Tribal government and our economic enterprises constituted the largest employer in Mason County with over 1,250 employees. We continue to require the assistance of Congress to mitigate the amplified health inequities in Tribal communities because of underfunded and under-resourced health systems, limited access to health services, poor infrastructure, and underlying health disparities. The Tribe has a current enrollment of 1,123 and an on-reservation population of 426 living in 141 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30%. We appreciate the support we have received so far.

SQUAXIN ISLAND TRIBE SPECIFIC REQUESTS/JUSTIFICATIONS

1. +\$13 million—Design and Construct New Squaxin Island Health Center—IHS Division of Facilities Planning and Construction

In 1995, under a Self-Governance compact with the U.S. Department of Health and Human Services' Indian Health Service, the Squaxin Island Tribe began construction of the Tribally owned Sally Selvedge Memorial Health Center (the Center). The original 8,000 square foot facility housed the primary care, dental, mental health, contract health services and community health and served an estimated 770 users. The Center consolidated health programs into one facility and expanded new services not previously available due to the lack of space and resources. We remain proud of this accomplishment and what we were able to offer our citizens using and leveraging funds as we saw fit to meet our local needs.

On June 17, 2021, IHS testified before the House Committee on Natural Resources on the status of IHS and Tribal facilities, "Disparities in the health status of American Indians and Alaska Natives are directly affected by access to health care 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, renovation, or replacement of many buildings."¹ This remains true today within the network of over 687 Federal and Tribal health facilities and 41 Urban Indian Organizations (UIOs) that are located across 37 States providing health care services to approximately 2.7 million American Indian and Alaska Native people.

Thirty years after the Center was built, the Squaxin Island Health and Human Services (HHS), located in the Center now provides 9,000 patient/clinic visits with over 17,000 pharmacy encounters taking place each year to 905 AI/AN patients as well as other family members of those patients. We can no longer accommodate all of our mental health and substance use disorder programs in the same facility. Our Health Promotion/Disease Prevention and HIT programs are also located in another site. Medical services have outgrown our existing space and our ability to address the public health emergency because our facility was unable to accommodate any increases to medical or administrative staff. The Tribe bills Medicare, Medicaid and other third-party payers but the buying power we once had to build a new health center in 1995 has diminished in 2023, even more so because of inflation caused by the pandemic. Our American Indian/Alaska Native patient population has increased over 25% since 2012. Current medical, dental, and behavioral services are insufficient for our current population. Laboratory and lab services are severely under built and would not be able to meet accreditation standards. The recent pandemic spotlighted our need for basic health care delivery infrastructure improvements, in both staffing and buildings, required to address communicable viruses. The potential consequences on our Tribal members and families with underlying health conditions remains a concern for us. We can no longer continue to provide the level of care that we strive to achieve in facilities that have met their maximum remodeling

¹ <https://www.hhs.gov/about/agencies/asl/testimony/2021/06/17/examining-federal-facilities-in-indian-country.html>

capacity. Squaxin Island Tribe is in desperate need of Congressional appropriations to construct a new facility.

Since 1993 and continues today, the Healthcare Facilities Construction Priority System (HFCPS) is the methodology that the IHS uses to identify and prioritize the need for IHS and Tribal healthcare facilities. Prior to Squaxin Island building the Center, the IHS, in collaboration with Tribal representatives, used the HFCPS to prioritize major health facilities' needs. The IHS projects were ranked based on the population served, the condition of health care facilities, remoteness, and barriers to care. The overall health care facility construction need grew from \$14.5 billion in 2016 to \$23 billion in 2021 due to expanded programs and better reporting. The IHS facilities construction appropriations have only averaged \$194 million annually since the last report was submitted to Congress.

In March 2020, pre-pandemic, we were in the process of rolling out the Squaxin Island Tribe Strategic Health Plan; a robust health program plan which includes all the details about a new facility and expanded services. Today there is approximately 12,000 square feet that houses the entire HHS department. Using estimates of current building sizes, or comps, the Confederated Tribes of the Umatilla Indian Reservation recently built a 64,000 square foot health center with a user population of 3,331. Medical facilities average \$500 per square foot. Squaxin Island's user population is approximately 28% the size of Umatilla. We estimate we need a minimum of 25,000 square feet based on the Indian Health Care Services' Healthcare Systems Planning tool, which calculates the current user population and projections of growth out to 2034.

Estimated total cost for the design and construction of the Squaxin Island Health Center is \$13,000,000.

2. + \$1.750 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program—IHS—H'D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light"

The Squaxin Island Tribe's Northwest Indian Treatment Center, D3f bi Pa lil, is a residential treatment facility that serves Native Americans with chronic substance abuse patterns related to unresolved grief and complex trauma, including generational trauma. The Center is Commission on Accreditation of Facilities accredited and a recognized national model of treatment for treating trauma in the presence of addiction, uniquely integrating the Best Practice of Dialectical Behavioral Therapy (DBT) with Plant Medicines. This culturally infused use of a Best Practice, based on this NWITC program, has been adapted in many Tribal communities since its development. DBT is a model of treatment with good research results for the treatment of substance abuse and mental health conditions.

In recognition of NWITC's unique model of treatment, the State of Washington Health Care Authority has requested NWITC to create a video-documentary describing the key elements. They have provided over \$82,000 to fund this video-documentary which can be used as a model by other Tribes to help understand the benefits and requirements of the facility. NWITC has these urgent needs:

- A. Medicine Building—this project is shovel ready cost estimated at +\$1.5 million—This building will support and expand the reach of the activities of the DBT/Plant Medicine program. It will be a place of medicine making, but also have video capacity linking this program to other Tribal medicine programs and creating a library available to Tribal behavioral health programs and NWITC alumni. The result will be better support for alumni, but also will help build capacity in Tribal communities in the Northwest.
- B. NWITC Recovery Support Team and Outreach—+\$250,000—The pandemic has attributed to a high relapse rate in Tribal communities served by NWITC. To better support NWITC alumni, it is necessary to provide more support. Even though the NWITC has a Recovery Support Team who actively supports alumni for 1-year post treatment, in the current environment this is insufficient. NWITC requires a staff position to provide the DBT/Plant Medicine training/coaching in the Tribal communities in which alumni live. Costs include a position to implement this, plus expenses of alumni to participate, including hotel, food, etc. In past events NWITC has verified this as the most successful approach for teaching/coaching alumni.
3. +\$900,000—Shellfish Management—BIA

The Squaxin Island Tribe faces an ongoing budget deficit to maintain and operate the shellfish program at its current level of operation—a level that leaves 20% of treaty-designated state lands and 80–90% of private tidelands unharvested due to

lack of funding. To address this shortfall and enable effective growth and development of the program, an annual minimum increase of \$900,000 is requested. Shellfish have been a mainstay for the Squaxin Island people for thousands of years and are important today for subsistence, economic and ceremonial purposes. The Tribe's right to harvest shellfish is guaranteed by the 1854 Medicine Creek Treaty. Today, we are unable to fully exercise our treaty rights due to lack of Federal support for our shellfish management program.

Thank you for considering these FY 2024 funding priorities for the Squaxin Island Tribe.

[This statement was submitted by Kristopher K. Peters, Chairman, Squaxin Island Tribe.]

PREPARED STATEMENT OF UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

We, the undersigned fifty-six education, health, environment, and children's health groups from coast to coast, are writing to urge the Committee to include \$100 million for the US Environmental Protection Agency's (EPA) Office of Air and Radiation/Indoor Environments Division (OAR/IED) to protect school children and personnel from unhealthy environments in schools and childcare facilities. We also request that you include an additional \$10 million for EPA's Office of Children's Health Protection to increase public health research and services to improve children's environmental health.

EPA/OAR/IED needs \$100 million to lead a national educational campaign, backed by expanded national and regional grants, direct technical assistance, and must prepare guidance for school facilities to help them stay open or reopen quickly after severe disasters. Indoor air quality is critical. It takes months or years to fix or rebuild a school; the Nation's schools need to be able to stay open longer or to reopen safely and quickly after a disaster.

Indoor air pollution is a serious threat and hard to address: it takes longer to identify sources and prioritize repairs than other EPA concerns such as lead in drinking water, PCBs, asbestos, or hazardous waste. Indoor air pollution can arise from everything that goes right and wrong with a facility, thus, indoor air quality (IAQ) assessments begin outside the building, then move to find indoor environment sources. Pollutants can come from poor construction and siting near hazardous facilities; leaky roofs and growing molds; chemical spills and odors from science labs; kitchen, locker room, and/or lavatory stench; carbon dioxide accumulations; lack of incoming fresh air; carbon monoxide leaks; cleaning and disinfecting products; and pests and pesticides, or from occupants themselves and the processes and products used in classes. It is complicated; school leaders and communities need education, guidance, and support.

In addition, EPA needs \$10 million annually provided to the Office of Children's Health Protection. This funding is needed to restore investments in research and outreach programs for children's environmental health shared with the Centers for Disease Control and Prevention (CDC), the National Institute of Environmental Health Sciences (NIEHS), and the Agency for Toxic Substances and Disease Registry (ATSDR). This funding will also help EPA in its role as co-chair of the multi-agency President's Task Force on risks to children's environmental health (under Executive Order 13045), and to elevate its critical role in a new interagency group on schools facilities that includes EPA, ED, DoE, plus offices in the White House, including the Council on Environmental Quality and Domestic Policy Council.

Why school environmental health and the impact on children are urgent issues. Education is a social determinant of health. During the school year, about fifty million children in the US spend the majority of their waking hours when not at home in public schools. Numerous studies have documented that school conditions such as polluted IAQ, mold, dust and debris, high heat, poor siting, proximity to hazards, noise, and poor lighting and sanitation, damage children's "health, thinking, and learning" (Harvard SPH 2017; NRC 2006). Today, some 40% of school age children have at least one existing chronic health issues (CDC), including asthma, which affects 1 in 13 school-aged children and remains the leading cause of school absenteeism due to chronic illness.

Also, US schools are not climate-ready- suggesting more long-term school closures ahead in many parts of the country—and not epidemic-ready, again suggesting more frustrating closures and hybrid learning schemes ahead that will increase persistent learning losses in the next generation of adults.

—School attendance is mandatory in all States, and 98% of US children are in school every day.

- Schools are more densely occupied than nursing homes and less well maintained.
- Nearly half of all public-school students are children and youth of color.
- Schools have an exceptionally long history of poor indoor air/environmental quality worsened by decades of funding shortages, neglect, and a lack of knowledge on how to address problems effectively.
- The poorest communities hardest hit by COVID, and climate change are also the communities where children's health and learning are impacted by the worst conditions.
- An estimated 50 percent of public schools have outdated heating and ventilation systems, and thousands of schools likely contain PCBs and asbestos, among other risks posed by poorly managed chemicals and pesticides used in and near school buildings.
- Further, the Nation's 100,000 public schools today contain over 8 billion square feet of learning space valued at over \$3 trillion, which means more frequent long-term school closures ahead if they are not physically resilient. Investments in electric buses and energy retrofits are deeply appreciated and welcome, but those steps will not guarantee that a facility will survive the next super storm.

This is the Congress' moment to put the EPA's 30 years of expertise in indoor air and indoor environments to work to improve school buildings and grounds, and thus health and learning outcomes for children, especially for those most disadvantaged, including children with disabilities.

We appreciate the funding for school infrastructure through the various COVID programs, ARPA, BIL, and IRA, however EPA gets a scant \$50 million over 10 years from IRA to address indoor air. While the Department of Energy (DOE), Department of Education (ED), and CDC have far larger programs, none match EPA's knowledge and experience on the physical environment of schools and its impact on children. In fact, neither ED nor CDC have authorizations or in-house expertise on school facilities. To date, EPA's level of funding is embarrassingly small, considering the documented environmental problems in schools, and the lack of knowledge in communities and among education leaders on how to address those issues effectively.

Of the \$100 million annual funding that we recommend for EPA's indoor air program to improve school indoor air and related issues, we urge that half be provided through cooperative agreements to States, Tribes, cities, and nongovernmental organizations to provide "hands-on" technical assistance to schools, training, educational outreach, and programs to monitor and assess school environmental health conditions. State capacity to help schools varies significantly, and EPA funding and guidance can help States track and improve conditions for schools nationwide, with special attention to schools in poor and disadvantaged districts and communities of color, as well as rural-remote schools.

This is your moment to make a big difference in children's lives. Put US EPA's proven expertise to work to improve health and learning outcomes for all children, especially those most disadvantaged or with disabilities. A nation that wants to stay competitive must invest in the next generation, its children.

Thank you for your consideration of our request.

Sincerely,

21st Century School Fund
 Alaska Community Action on Toxics
 Allergy Standards Limited
 Alliance of Nurses for Healthy Environments
 American Federation of Teachers
 American School Health Association
 Associated Sheet Metal & Roofing Contractors of CT
 Asthma and Allergy Foundation of America Carrier
 Center for Cities + Schools, University of California-Berkeley
 Children's Environmental Health Network
 Children's Environmental Protection Alliance
 Coalition for Environmentally Safe Schools
 Coalition for Healthier Schools
 Collaborative for High Performance Schools
 ComingClean
 ConnectiCOSH Health Technical Committee Inc.
 Connecticut AFL-CIO
 Connecticut Education Association

Connecticut Roundtable on Climate and Jobs
 EARTHDAY.ORG
 First Focus on Children
 Foundation for Fair Contracting of Connecticut
 Go Green Initiative
 Green Schools National Network
 Health Promotion Consultants
 Healthy Schools Caucus
 Healthy Schools Network
 iAIR Academy
 iAIR Institute
 International WELL Building Institute
 Maryland Children's Environmental Health Coalition [MD CEHC]
 MassCOSH—Massachusetts Coalition for Occupational Safety & Health
 National Association of Energy Service Companies
 National Association of School Nurses
 National Center for Healthy Housing
 National Education Association
 National PTA
 National Wildlife Federation
 New Jersey Association of Designated Persons
 NJ Work Environment Council
 PCBinschools.org
 Physicians for Social Responsibility Colorado
 Protect All Children's Environment
 Public Health—Seattle & King County
 Rayben Enterprises, Inc. dba Green Facility Solution
 Responsible Purchasing Network
 San Francisco Bay Physicians for Social Responsibility
 School-Based Health Alliance
 Selah Natural Medicine
 Society for Public Health Education
 Society of State Leaders of Health and Physical Education
 UConn Health and University of Connecticut's Indoor Air Quality Initiative
 WEACTION for Environmental Justice
 Women for a Healthy Environment/Healthy Schools PA
 [This statement was submitted by Claire Barnett, Executive Director, Healthy Schools Network.]

PREPARED STATEMENT OF THE U.S. FISH AND WILDLIFE SERVICE

The undersigned organizations write to request your support for full funding of \$15 million annually through Fiscal Year 2025 for the "Grant Program for Losses of Livestock Due to Depredation by Federally Protected Species (Grant Program)" (7 USC § 8355). We find common ground in our work to reduce human-wildlife conflict and its impacts while supporting working landscapes that underpin rural economies and provide crucial wildlife habitat. We envision landscapes where people, livestock, and wildlife all thrive, where effective management practices reduce conflicts and economic solutions support resilient, biodiverse working lands.

Given the expanding range of many large carnivores, including reintroduction efforts throughout their historic range, the need for additional wildlife-livestock conflict prevention work and livestock depredation compensation support for producers is rapidly increasing. At the same time, Federal funding to support non-lethal conflict prevention work and supplement State-level livestock depredation compensation funds has remained relatively flat, and nowhere near enough to meet the demand. This is evident in the Wolf Livestock Loss Demonstration Project Grant Program administered by the U.S. Fish and Wildlife Service (FWS) authorized in 2009, which continues to receive only \$1 million annually in funding. This program provides grants to State agencies to administer non-lethal conflict prevention techniques, and supplement existing State programs that compensate producers for livestock loss, but is often nearly fully expended in only a handful of western States. Recognizing that this annual appropriation falls well short of the need, Congress authorized the Grant Program in the America's Conservation Enhancement Act of 2020.

Working lands are where people and nature come together. Durable conservation requires wildlife management strategies that are informed by and supported by those living in wild and working landscapes. Building that support requires funding

on the ground, and it also requires capacity in State and Federal agencies. Added capacity provided through the Grant Program to implement non-lethal conflict reduction methods will benefit both rural communities and wildlife, bringing us closer to our vision of healthy, connected landscapes through support for land stewards.

Sincerely,

American Sheep Industry Association
 Association of Fish and Wildlife Agencies
 Boone and Crockett Club
 Colorado Wool Growers Association
 Centennial Valley Association
 Defenders of Wildlife
 Greater Yellowstone Coalition
 Idaho Rangeland Resource Commission
 National Wildlife Federation
 Natural Resources Defense Council
 Madison Valley Ranchlands Group
 Northeast Washington Wolf-Cattle Collaborative
 Public Lands Council
 Rio Blanco Stockgrowers
 Rocky Mountain Farmers Union
 Rocky Mountain Front Ranchlands Group
 Theodore Roosevelt Conservation Partnership
 Upper Green River Cattlemen's Association
 Western Landowners Alliance

PREPARED STATEMENT OF THE WATERREUSE ASSOCIATION

Thank you for the opportunity to present our FY 2024 funding requests for programs administered by the U.S. Environmental Protection Agency (EPA). The WaterReuse Association (WaterReuse) urges you to meet the President's FY 2024 Budget Request of \$25 million for the Pilot Program for Alternative Water Source Grants (33 U.S.C. 1300).

WaterReuse is a not-for-profit trade association for water utilities, businesses, industrial and commercial enterprises, non-profit organizations, and research entities that engage in and on water reuse. WaterReuse and its state and regional sections represent more than 200 water utilities serving over 60 million customers, and over 300 businesses and organizations across the country. Our mission is to advance safe and sustainable water supplies, to promote acceptance and support of recycled water, and to advocate for policies and funding that increase water reuse.

According to the National Oceanic and Atmospheric Administration (NOAA), 40 U.S. States are experiencing moderate drought or worse. Droughts have brought severe conditions including wildfires, heat waves, severely depleted water sources, and reduced crop production. Despite recent rain events, in the West, conditions are at their driest point in 1,200 years and are worsening. In parts of Pennsylvania, Illinois, New England, and other regions across the country, communities are facing significant and even extreme drought conditions.

As water supply and water quality challenges intensify, the Nation must invest in water recycling to build resilience, manage energy demands, support public and environmental health, and ensure America's economic prosperity. Investments in water recycling ensure reliable and resilient community water supplies, support sustainable economic development, and help protect our rivers, lakes, streams, aquifers and wetlands.

Water reuse is a long-standing practice in supply-constrained areas in the West. However, water reuse is also now common practice in other parts of the country, where communities are turning to reuse to recharge strained aquifers and meet other needs. The drivers for water reuse are many, including stringent discharge regulations and a need to reduce pollutant loads to receiving waters. Communities are also turning to reuse to manage a range of stormwater challenges.

To help communities build resilient supplies and protect water quality, Congress authorized the Pilot Program for Alternative Water Source Grants as part of the recently enacted Infrastructure Investment and Jobs Act of 2021. Through the program, EPA will make competitive grants to state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test alternative water source systems, including water reuse systems.

By investing in the Pilot Program for Alternative Water Source Grants, Congress can begin to give communities in all 50 States plus the District of Columbia and

Puerto Rico the tools and resources they need to protect public health and the environment, support economic development, and create long-term solutions for future generations.

EXAMPLES OF WATER RECYCLING FROM AROUND THE COUNTRY

In Virginia's tidewater region, Hampton Roads Sanitation District is pursuing a multi-benefit water reuse program called the Sustainable Water Initiative for Tomorrow (SWIFT). HRSD's SWIFT project treats wastewater effluent to drinking water standards and reuses it to recharge the regional aquifer. The investment of \$1.1 billion in capital outlays provides critical public health, environmental and economic benefits by replenishing the overdrawn Potomac Aquifer, recharging 100 million gallons per day (MGD) of fresh water at full implementation, providing a reliable safe water supply to support the region's population and the Nation's critical military assets, and generating nutrient credits that HRSD can trade—providing an estimated savings of \$1.5 billion for 11 counties across the region.

In Florida's Tampa Bay Region, Hillsborough County's Saltwater Intrusion and Aquifer Recharge Program (SHARP) is creating a hydraulic barrier to saltwater intrusion between the Bay and the region's drinking water aquifer. At a cost of \$20 million, SHARP is yielding significant climate-resiliency benefits by protecting the region's freshwater aquifer from sea level rise and saltwater intrusion, reducing pumping costs and energy use by raising groundwater levels and increasing pressure in the potable freshwater aquifer, generating water supply credits that offset the project's cost, and supporting seagrass and fishery recovery efforts by reducing nutrient and other effluent loadings.

In Texas, El Paso Water is using water recycling and saline groundwater desalination to produce a drought-resilient, cost-effective, and reliable water supply to support a vibrant local economy. Compared to the next best alternative (importing groundwater), El Paso's water reuse program is reducing energy use by 3.6 million MWH over the planning period and addressing affordability challenges related to imported water by saving more than \$1.2 billion, or 74 percent.

In California's Chino Basin, local leaders developed the Optimum Basin Management Program (OBMP) to address the region's water challenges. The OBMP generates energy savings in excess of 5.8 Billion kWh over 30 years by relying on local resources rather than energy intensive water imports, saves ratepayers an estimated \$2.4 billion in water supply costs, and restores instream flows and water quality in the Santa Ana River, returning a surface water supply and replenishing and improving water quality in the Chino Groundwater Basin.

[This statement was submitted by Greg Fogel, WateReuse Association.]

PREPARED STATEMENT OF THE WESTERN GOVERNORS' ASSOCIATION

Chair Merkley, Ranking Member Murkowski, 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 the 22 westernmost States and territories. 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 located 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 2021-01, Strengthening the State-Federal Relationship.

In last year's House committee report accompanying the Interior, Environment, and Related Agencies Fiscal Year (FY) 2023 appropriations bill (H. Rpt. 117-400), the Federal agencies funded by the Interior bill were directed to provide appropriate feedback and decision rationale related to 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.

Federal agencies should provide state, territorial, local, and Tribal government officials with accessible and clear information on available Federal resources and programs and the most effective utilization of those resources in disaster recovery. WGA has worked with Federal partners to improve interagency coordination on post-wildfire restoration work, including a roadmap of assistance available to communities affected by wildfire and identification of “navigators” to help communities prioritize post-wildfire restoration needs. Western Governors urge the Federal Government to prioritize the funding of these important needs, as they should have a positive effect on maximizing the value of restoration work and, more importantly, addressing the needs of communities affected by wildfire.

Reducing wildfire risk also requires conducting active forest management at an unprecedented pace and scale. This, in turn, relies on a handful of enabling factors including a qualified land management workforce and infrastructure to transport and capitalize on the value of extracted biomass. Western Governors support certain findings within the USFS’ 2022 Wildfire Crisis Strategy Roundtables Synthesis Report, including that subsidies are needed along with 10- to 20-year agreements for forest products in order to expand existing forest product infrastructure and markets. Western Governors laud the USFS’ investments in forest health as part of their ten-year strategy to confront the wildfire crisis, and request continued funding for all aspects of wildfire risk reduction.

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, Western Governors support funding for reasonable proactive management efforts to conserve species, including engaging stakeholders to implement early, voluntary conservation measures. WGA also believes Federal agencies should explore expanded use of detail positions and shared staff between State and Federal agencies to increase interagency coordination.

States possess primary management authority over 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 listing, critical habitat designations, recovery planning, recovery efforts, and delisting decisions. State agencies often have the best available science, expertise and other scientific and institutional resources such as mapping capabilities, biological inventories, biological management goals, state wildlife action plans and other important data. All listing, recovery and delisting decisions made by the Federal Government should recognize, consult, and employ these vast state resources and utilize objective, peer-reviewed scientific literature and scientific observations.

Fish and wildlife migration corridors and habitat are necessary to maintain healthy populations of species in the West. Western Governors applaud the past funding for Federal agencies to advance state-supported programs and projects promoting voluntary migration corridor and habitat conservation and request that the subcommittee continue to appropriate these funds. Western 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 the Department of the Interior for FY23 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 presence 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 the subcommittee 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 has resulted in

the degradation of 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. Western Governors recognize BLM's 2019 Path Forward for Management of BLM's Wild Horses and Burros and 2020 Analysis of Achieving a Sustainable Wild Horse and Burro Program as examples of sensible alternatives to current wild horse and burro management practices. Western Governors encourage the subcommittee to continue funding BLM's implementation of the recommendations contained in these proposals.

WGA remains concerned about the spread of invasive quagga and zebra mussels in the West, which continue to be a major threat to western water resources. Western Governors commend the inclusion of additional funding to address this ongoing threat in the FY23 Consolidated Appropriations Act and Inflation Reduction Act. Western Governors request that the BLM, FWS and NPS continue to 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. Relevant to this matter, Western Governors acknowledge the addition of the BLM and NPS to the Aquatic Nuisance Species Task Force (ANSTF), and support funding to enable the ANSTF to carry out the report required in Sec. 11327 of H.R. 7776, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117-263). That report seeks to clarify Federal authority to manage and control aquatic invasive species on lands and waters under their jurisdiction.

Western Governors applaud NPS for its efforts to preserve iconic landscapes, habitats and cultural resources. Western Governors are concerned, however, about the significant maintenance backlog affecting National Parks. Western Governors appreciate the funding authorized by the Great American Outdoors Act for priority deferred maintenance projects administered by Federal land management agencies and support ongoing NPS operations to address critical infrastructure needs and restore staff capacity.

Data for water management and drought response planning is critical to western States. Western Governors appreciate the increased FY23 funding for the Groundwater and Streamflow Information Program administered by the U.S. Geological Survey and request continued funding for the program. 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 2021-10, Water Quality in the West, encourages adequate funding for SRFs. Western Governors appreciate the SRF appropriations and authorizations included in the Infrastructure Investment and Jobs Act and FY23 Consolidated Appropriations Act, and encourage the subcommittee to continue supporting these programs. 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. Western Governors encourage Congress to include express and unambiguous language protecting States' authority over groundwater resources in any water-related legislation, as well as clear direction to administrative agencies to respect such authority. Federal agencies should also work within existing State authorities to address their groundwater-related needs and concerns. Western Governors urge the subcommittee 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 emis-

sions 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 important as smoke from an increasing number of wildfires causes air qualities to exceed the National Ambient Air Quality Standards for particulate matter and ozone, affecting public health, safety, and transportation. Western Governors' support full and consistent funding for Federal and State land managers for prescribed fires when weather and site conditions are appropriate and public health is protected.

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 the subcommittee in discharging these critical and challenging responsibilities.

[This statement was submitted by Jack Waldorf, Executive Director, Western Governors' Association.]

PREPARED STATEMENT OF THE WESTERN LANDOWNERS ALLIANCE

The Western Landowners Alliance (WLA) appreciates the opportunity to provide testimony regarding Fiscal Year 2024 (FY24) appropriations for the Department of Interior. The following programs advance WLA's mission of sustaining working lands, connected landscapes and native species, and will bring increased support to the landowners, farmers and ranchers that form the foundation of rural communities and ecosystems in the West. Working lands are the future of conservation in the West. They are the last best pieces of intact, fertile, habitable open lands. They are the cornerstones of both human communities and the ecosystems we all depend on. And they are disappearing. The following investments, along with other additional forms of support across all levels of government and the private sector, are a necessary down payment on our shared economic and ecological future.

U.S. FISH AND WILDLIFE SERVICE

Candidate Conservation: In FY23 Omnibus, the U.S. Fish and Wildlife Service (FWS) received \$15,037,000 for conservation and restoration activities under the Candidate Conservation budget line item. We appreciate Congress recognizing the importance of collaborative, partnership-driven and proactive species conservation long before the point of a potential Endangered Species Act (ESA) listing. This work has been historically underfunded and has often been funneled into other listing and consultation work. In explicitly protecting and providing these funds for the purpose of proactive work with States, private landowners and other partners, Congress has taken a prudent step toward addressing the "emergency room" type approach that often defines conservation under the ESA.

In the President's FY24 Budget Request, the FWS notes that "The Service will focus on increasing our capacity to work with landowners to develop conservation agreements... Additional capacity would allow the Service to stand up a specialized team that would simplify and accelerate the process for getting Section 10 permits and associated candidate conservation plans in place and functioning for working lands." We support this proposal. ESA Regulatory assurance agreements are a critical tool to ensure that landowners are not inadvertently burdened with additional regulations or restrictions as a result of conducting proactive conservation and habitat restoration efforts. At the same time, they are often incredibly complex, time consuming, and expensive to develop, putting this tool largely out of reach to the majority of landowners.

At a minimum, maintaining FY23 funding levels for the Candidate Conservation line will allow the FWS to continue to work in partnership with landowners to improve both the function and accessibility of these agreements.

Livestock Loss Compensation and Non-lethal Conflict Reduction: Through the America's Conservation Enhancement Act of 2020 (ACE Act), Congress authorized \$15 million annually through FY25 for the "Grant Program for Losses of Livestock Due to Depredation by Federally Protected Species (Grant Program)" (7 USC § 8355). The Grant Program would provide \$10 million annually in grant funding to eligible State agencies for the purpose of supplementing existing State livestock

depredation compensation funding, and \$5 million annually for the purpose of implementing non-lethal wildlife-livestock conflict prevention practices in partnership with producers.

Given the expanding range of many large carnivores, including reintroduction efforts throughout their historic range, the need for additional wildlife-livestock conflict prevention work and livestock depredation compensation support for producers is rapidly increasing. At the same time, Federal funding through the FWS to support this work has remained relatively flat (\$1 million annually since 2009) and nowhere near enough to meet the demand. Recognizing this, Congress authorized the Grant Program through the ACE Act.

This program is bipartisan, widely supported by livestock producers and conservation organizations, and much needed in the face of expanding conflicts between wildlife and livestock west-wide. With this in mind, please see the attached letter addressed to leadership of the House and Senate Appropriations Committees expressing support for full funding of the Grant Program.

CONCLUSION

Thank you for the opportunity to submit testimony on these programs that, if funded, will recognize and expand the many societal and ecological contributions of working lands stewardship in the West. Please do not hesitate to reach out with any questions.

[This statement was submitted by Zach Bodhane, Policy Director, Western Landowners Alliance.]

PREPARED STATEMENT OF THE WILDERNESS SOCIETY

Thank you for the opportunity to provide testimony regarding the FY24 Senate Interior Appropriations bill and process. On behalf of our one million members and supporters, The Wilderness Society (TWS) respectfully urges Congress to sufficiently increase funding for the Department of the Interior (DOI) and the US Forest Service (USFS). When adequately funded, these agencies create jobs, foster climate resilience, and manage public lands and natural resources. Funding conservation priorities pays environmental and social dividends now and for future generations. Investing in these programs, without short-sighted corner cutting, saves taxpayer money and mitigates costly future harms. Proposed caps on discretionary spending at FY22 levels would have very real and damaging impacts on Federal agencies, the American people, and vital environmental work. Non-defense discretionary programs would face cuts of 22%, reducing DOI's budget to below FY16 levels.

Congress should prioritize the following priorities to address critical programmatic funding needs in any appropriations package/legislation:

DEPARTMENT OF THE INTERIOR (DOI)

Abandoned Mine Lands FY24 Request: at least \$287 million

Authorized by the Bipartisan Infrastructure Law, we request at least \$287 million for the new hardrock Abandoned Mine Lands (AML) program. Between FY17–FY21, the Government Accountability Office (GAO) estimated public lands agencies annually spent an average of \$24 million restoring hardrock mining-impacted lands and communities. The real funding needs of the program are estimated to be in the billions.

BUREAU OF INDIAN AFFAIRS (BIA)

Tribal Land and Water Conservation Fund (LWCF) FY24 Request: \$12 million

Tribal Nations and communities continue to highlight barriers to accessing LWCF funding for conservation and recreation LWCF projects with the existing program requirements to partner with or apply through States. To strengthen Tribal land management, the FY24 President's Budget requested \$12 million in discretionary unobligated LWCF funds for BIA to create a new Tribal LWCF land acquisition program. The new program would protect and conserve natural resource areas of cultural importance or that have significant recreational benefits for Tribal Nations and communities. This program would support Tribal sovereignty and self-determination and support Tribal co-stewardship.

BUREAU OF LAND MANAGEMENT (BLM)

Cultural Resources Account FY24 Request: at least \$25 million

We urge the subcommittee to provide at least \$25 million (and increase of \$4.9 million from FY23) for BLM's cultural resources management account to help BLM inventory and protect cultural resources, manage paleontological resources, and improve government-to-government consultation with Tribes. We also request the subcommittee include \$1 million specifically for the National Cultural Resources Information Management System (NCRIMS) to support the ongoing collaboration with Western state historic preservation officers to standardize and integrate cultural resources data for BLM land. Finally, we encourage addressing the long-standing vacancies in key cultural resources positions stipulated in the BLM Tribal Relations Manual, including the National Curator/NAGPRA Coordinator, National Tribal Coordinator, and 10 of the 12 State office Tribal Coordinator positions.

National Conservation Lands FY24 Request: at least \$78 million

The National Conservation Lands encompass more than 37 million acres of National Monuments, National Conservation Areas (NCAs), and similar designations, as well as Wilderness and Wilderness Study Areas (WSAs). While we are grateful for the funding increase from the FY23 Interior Appropriations bill, further investment is necessary to ensure BLM can properly manage this system of critical landscapes, complete and implement resource management plans, and rebuild staffing needed to do this work. We also recommend robust funding for National Scenic and Historic Trails, National Wild and Scenic Rivers, and wilderness areas that are part of the National Conservation Lands and funded through this account and other areas of the BLM's budget.

Oil and Gas Management and Oversight FY24 Request: \$174.5 million, including inspection fees

We support the Administration's request of \$174.5 million to enhance capacity, perform inspections, and implement the reforms enacted in the Inflation Reduction Act while enabling the continued permitting of renewable energy rights-of-way. We particularly support the agency's proposal to implement inspection fees pursuant to language proposed in the FY23 appropriations bill to cover the costs of BLM's inspection activities—including approximately 5,800 production inspections, 15,000 environmental inspections, and review of financial assurances. This would better align the onshore program with the offshore program and shift the cost burden of these critical inspections from communities to industry.

Renewable Energy Management Program FY24 Request: \$72.5 million

Renewable energy proposals on public lands have increased dramatically in recent years. In 2022, BLM established 5 Renewable Energy Coordination Offices (RECOs) to process the increasing number of wind, solar, and geothermal applications. BLM anticipates a substantial need for construction and monitoring of RECOs permitting support through 2030 and beyond.

BLM is working to increase staffing and capacity to prioritize and improve permitting coordination on many large-scale renewable energy projects. BLM's Renewable Energy Program is critical to advancing the Administration's goal to achieve 25 gigawatts of renewable energy on public lands by 2025, and the goal of a carbon pollution-free power sector by 2035.

FISH AND WILDLIFE SERVICE (FWS)

National Wildlife Refuge System (Refuge System) FY24 Request: \$1.5 billion for Operations and Maintenance (O&M); \$42 million for the Conservation Planning Line Item

The Refuge System is the largest network of public lands and waters dedicated to wildlife conservation in the world. However, current funding levels are insufficient to hire new biologists, visitor services staff, planning staff, law enforcement, and maintenance staff. After a decade of underinvestment, inflation, and soaring visitation, \$1.5 billion is needed for Operations and Maintenance. Within that, we request \$42 million for the Refuge System Conservation Planning line item. In FY23, this line item was only funded at \$3.7 million even though 40% of refuges lack a current Comprehensive Conservation Plan (CCP). CCPs are crucial to achieving the conservation mission of the Refuge System, ensuring good governance, and fulfilling the purposes of each refuge unit.

NATIONAL PARK SERVICE (NPS)

African American Burial Grounds Preservation Program FY24 Request: \$3 million

Authorized in FY23, the African American Burial Grounds Preservation Program provides critical assistance to local partners to identify and preserve historic burial grounds. These segregated burial sites often failed to receive the type of maintenance and record-keeping that predominantly white burial grounds enjoyed, leaving many in a State of disrepair or inaccessibility.

Every Kid Outdoors FY24 Request: \$25 million

Every Kid Outdoors (EKO) provides fourth graders and their families with free access to any national park for an entire year, helping millions of children build life-long relationships with their public lands. However, the EKO program has never been funded by Congress, leaving EKO unable to reach its full potential of reaching all families.

Outdoor Recreation Legacy Partnership (ORLP) Program FY24 Request: \$130 million

Established by Congress in 2014 and funded through LWCF's State and Local Assistance Program, ORLP is a national competitive grant program that provides funding to urban communities to create new outdoor recreation spaces, reinvigorate existing parks, and forge connections between people and the outdoors in economically underserved communities.

Rivers, Trails, and Conservation Assistance (RTCA) Program FY 24 Request: \$15 million

The RTCA program helps local communities and public land managers develop or restore parks, conservation areas, rivers, and wildlife habitats. The program bolsters community-led conservation and sustainable outdoor recreation projects. Through these projects, NPS has collaborated with more than 20,000 partners to create 1.3 million acres of parks, build 40,200 miles of trails, and conserve 22,400 miles of rivers in all 50 States and territories.

US Forest Service (USFS)

Capital Improvement and Maintenance—Trails FY24 request: \$23 million

Recreational trails are the gateway to a wide range of activities in the National Forests. Trail use in the National Forests continues to grow, and with this growth comes an increase in trail maintenance needs. Funding the trails program at this requested level will help to address the agency's significant trail maintenance backlog.

Collaborative Forest Landscape Restoration Program (CFLRP) FY24 request: \$80 million

The CFLRP prioritizes holistic restoration at the landscape scale and has a track record of success. Congress should fully fund and expand the CFLRP to increase essential science-based forest restoration projects on public lands.

Forest Inventory and Analysis (FIA) FY24 request: \$32.4 million for program; \$52.9 million for salary and expenses

The FIA makes up the backbone of scientific knowledge on the current state of the Nation's forests. This information is critical to support sound policy and forest management decisions, and this requested increase reflects the many demands currently being placed on the program, despite inadequate resources for implementation.

Joint Fire Sciences Program (JFSP) FY24 request: \$50 million

The JFSP is unique among Federal research programs in its focus on applied fire science through interagency partnerships. Fire and land managers from the Administration identify, with community and collaborator input, the most urgent research needs around fire management. The JFSP then competitively solicits the best proposals, and research findings are delivered to fire and land managers and practitioners through the JFSP-funded Fire Science Exchange Network. The JFSP, with only a modest budget, is highly efficient and effective at meeting the needs of fire practitioners.

Land Management Planning, Assessment, and Monitoring FY24 request: \$50 million

About one-third of management plans are over 20 years old and cannot provide adequate guidance in the era of climate change and unprecedented biodiversity loss. The 2012 planning rule was meant to speed up planning, engage communities, provide land designation opportunities, promote species recovery, and establish robust

monitoring programs. Monitoring is essential to enable adaptive management in the face of changing conditions, but the National Forests System rarely has the funds needed to conduct adequate monitoring. We ask Congress to include report language that ensures 25% of planning funds is devoted to monitoring.

Legacy Roads and Trails FY24 request: \$100 million, including salaries and expenses

The Legacy Roads and Trails program primarily addresses water quality problems caused by USFS' extensive road and trail network, particularly old logging roads. Decommissioning unneeded roads, restoring fish passage, and providing critically needed maintenance to system roads and trails is essential to protecting water quality, recreational opportunities, and economic benefits in our National forests and adjacent communities. Congress should increase funding for ecologically beneficial road improvements and decommissioning.

Recreation, Heritage, and Wilderness FY24 request: \$94.367 million

National Forests and Grasslands provide a great diversity of recreation opportunities, connecting the American public with nature in an unmatched variety of settings and activities. Funding at this level will give the agency the resources needed to continue providing these opportunities.

Research and Development (R&D) Programs FY24 request: \$80 million

Restoring and maintaining healthy ecosystems across National Forest System lands depends on robust R&D to generate knowledge and technologies that will help protect habitat and recover at-risk species. We ask that the subcommittee also include report language to encourage some of this funding to focus on science foundational to strategies to enhance the resilience of old-growth and mature forests to climate-induced changes in fire behavior.

Watershed Restoration Action Plans (WRAPs) FY24 request: \$50 million

The Watershed Condition Framework (WCF) identifies and restores priority watersheds across National Forest System lands. Congress should provide robust funding for the implementation of WRAPs, which detail the specific activities needed to improve watershed health and drinking water quality as part of the WCF. Increased funding for WRAPs would allow watersheds that are degraded or at-risk to be returned to a properly functioning condition, while also creating well-paying rural jobs.

Water Source Protection Plans (WSPP) FY24 request: \$50 million

The WSPP encourages watershed restoration partnerships between the Forest Service and downstream water users. National forests are the sources of clean drinking water for one in five Americans, yet the Forest Service lacks funding to work effectively with willing partners such as water utilities to fund and implement projects that protect people's water supplies.

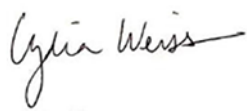
National Environmental Policy Act (NEPA) Implementation

We ask the Appropriations Committee to provide funding to ensure all agencies adequate capacity to conduct environmental reviews under NEPA. We know that, despite widespread claims, NEPA is not the reason for permitting delays, and a more inclusive and meaningful environmental review process can save time, money, and lead to better decisions. It is therefore critical that agencies receive adequate resources to staff the positions responsible for shepherding the environmental review process.

CONCLUSION

TWS thanks the subcommittee for the opportunity to submit comments on the FY24 Senate Interior Appropriations bill. We ask the subcommittee to sufficiently fund these agencies and exclude anti-environmental riders in any FY24 appropriations bills.

Sincerely,
Lydia Weiss



Senior Director, Government Relations
The Wilderness Society

PREPARED STATEMENT OF THE WILDLIFE CONSERVATION SOCIETY

The Wildlife Conservation Society (WCS) would like to thank Chairman Merkley, Ranking Member Murkowski, and the members of the subcommittee for providing this opportunity to submit testimony in support of funding in the FY24 Interior, Environment and Related Agencies Appropriations Act for the Multinational Species Conservation Fund (MSCF), Office of International Affairs (IA), Office of Law Enforcement (OLE), and Endangered Species Recovery Grants Program accounts at the U.S. Fish and Wildlife Service (FWS), the International Forestry program at the U.S. Forest Service (USFS), and the Climate Adaptation Science Centers at the U.S. Geological Survey (USGS).

WCS was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today, WCS manages the largest network of urban wildlife parks in the United States, led by our flagship, the Bronx Zoo. Globally, our goal is to conserve the world's most important wild places, focusing on 14 priority regions that are home to more than 50% of the world's biodiversity. We have offices and field programs in more than 60 countries and work with our partners to manage more than 200 million acres of protected areas around the world, employing more than 4,000 staff including about 200 Ph.D. scientists and 100 veterinarians.

The world faces three existential crises, all caused by humankind: a pandemic of zoonotic origin, the loss of biodiversity, climate change. These crises are inter-related, with many of the same causes and solutions. We know that pandemics of zoonotic origin (passed between animals and people) such as COVID-19 are directly tied to wildlife trade and the breaching of the human-wildlife interface through deforestation and forest degradation. We also know that deforestation and forest degradation are major causes of carbon emissions, and that more than a third of the answer to climate mitigation can come from nature-based solutions. Protected and conserved areas are at the heart: they protect biodiversity, mitigate climate change, and prevent future pandemics of zoonotic origin. Ecologically intact areas in and between protected areas support the well-being of millions, including Indigenous Peoples, and are critical to achieving the UN Sustainable Development Goals. Additional funding in the FY24 Interior appropriations bill for international conservation programs will be critical to address these crises and continue U.S. leadership in the world.

FWS-Multinational Species Conservation Fund-\$30 Million: Global priority species, such as tigers, rhinos, African and Asian elephants, great apes, turtles, and tortoises, face constant danger from poaching (particularly for illegal trade purposes), habitat loss and degradation, and other serious threats. MSCF programs have helped to sustain and recover wildlife populations by combating poaching and trafficking, reducing human-wildlife conflict, and protecting essential habitat—all while promoting U.S. economic and security interests across the globe. These programs efficiently use taxpayer dollars, resulting in an outsized impact because they consistently leverage two to four times as much in matching funds from organizations like WCS, foreign governments, local NGOs, and private foundations.

Funding from the MSCF provides front-line protection against zoonotic disease by supporting projects that prevent or reverse the conditions that lead to pathogen spillover events. These events increase when humans come into closer contact with wildlife through the destruction and degradation of wildlife habitats, particularly forests, or at live wildlife markets where animals are crowded for sale and slaughter. In both situations, wildlife is likely to be severely stressed, which further increases the potential for pathogen spillover to occur and for human disease outbreaks. Biodiversity loss, in itself, can also contribute to zoonotic disease spillover by removing buffer species that protect against diseases jumping into human populations.

WCS has had great success on projects using funds from the MSCF. In one ongoing project supported with funding from the Turtle Conservation Fund, WCS is working with several partners to restore habitat in Indonesia for the Rote Island

snake-necked turtle, which is extinct in the wild. With this support from FWS, WCS's Bronx Zoo recently sent 36 zoo-bred to the Singapore Zoo as a major step toward the species' reintroduction into the wild.

FWS-International Affairs-\$5.1 Million Increase: The FWS IA program supports efforts to conserve our planet's rich wildlife diversity by protecting habitat and species, combating illegal wildlife trade, and building capacity for landscape-level wildlife conservation. The program provides oversight of domestic laws and international treaties that promote the conservation of plant and animal species by ensuring that international trade and other activities do not threaten their survival in the wild. Within IA, the FWS Regional Programs for Africa, Eurasia, and the Western Hemisphere seek to address grassroots wildlife conservation problems from a broad, landscape perspective, building regional expertise and capacity while strengthening local institutions. The IA program works with the MSCF, supporting the conservation of species that are not specifically addressed by the Fund and funding conservation of entire habitats, even in cases where they cross political boundaries.

The President's budget proposes transferring the ePermitting program and the requisite funding of \$7.5 million from IA, where it is currently managed, to its own line in the FWS budget. Because of this, the President's request for IA, \$26.7 million, represents an actual net increase of \$5.1 million above FY23. WCS asks that the subcommittee support this increase for the program so that IA can continue its efforts to conserve landscapes and vulnerable species and better address the crises facing the planet.

In 2022, FWS IA launched the Species Conservation Catalyst Fund (SCCF), to serve as a 'conservation accelerator,' focusing on select species to fully map and understand threats along the wildlife trafficking chain and identify strategic points of intervention. Increased appropriations will support this fund to allow FWS IA to respond to evolving threats, identify species of greatest concern, and launch targeted, high impact projects to reverse the trajectory of population declines. The initial round of funding focused on saiga antelope and cheetah-two species highly vulnerable to overexploitation from illegal wildlife trade. The list of vulnerable species is ever increasing, and additional funding is critical for the SCCF to be nimble and responsive by adding new species and programs annually.

The final bills for the last several years included report language directing the Department of the Interior to develop policies and procedures for the execution and oversight of international conservation programs to ensure that grant recipients have policies in place that safeguard the rights of Indigenous peoples and the human rights of individuals and communities in and around protected areas supported by grant monies. WCS worked with the Department and FWS on the development of these guidelines and urges the Committee to include funding to support their continued implementation and enforcement.

FWS-Office of Law Enforcement-\$104.4 Million: The U.S. remains one of the world's largest markets for wildlife and wildlife products, both legal and illegal. A small group of dedicated officers at OLE are tasked with protecting fish, wildlife, and plant resources by investigating wildlife crimes-including commercial exploitation, habitat destruction, and industrial hazards-and monitoring international trade to intercept illegal products like wildlife and timber and facilitate legal commerce. As the United States developed and implemented a comprehensive strategy to combat the growing crisis of wildlife trafficking over the last several years, most of the new responsibilities placed on FWS are enforced by OLE, and WCS supports increasing funding to \$104.4 million for the agency per the President's request. A primary need for additional funding is to strengthen OLE's presence at the U.S. border to protect against the importation of wildlife that may serve as a host of pathogens that could cause dangerous diseases of zoonotic origin.

Recent increases in the OLE budget have enabled the agency to deploy 12 FWS attachés in targeted U.S. embassies overseas in countries including Tanzania, Gabon, Peru, China, and Thailand, where wildlife trafficking has proven to be a serious problem. Law enforcement attachés are experienced criminal investigators who specialize in wildlife and natural resource investigations and have provided extensive support to local authorities engaged in wildlife trafficking investigations. Several investigations of transnational organized crime networks involved in the trafficking of elephant ivory, rhino horn, reptiles, and other wildlife and wildlife parts between Africa and Asia have been initiated as a direct result of attaché intervention, and attachés have assisted extensively in fostering intelligence sharing and investigative support between affected countries.

FWS-Endangered Species Recovery Challenge Grants-\$15 Million: Funding provided to the USFWS for recovery efforts of endangered species has been limited for decades. And although the Service has accomplished some great successes-recovery of the bald eagle and the brown pelican, for example-hundreds of species are in des-

perate need of help to prevent extinction. The Recovery Challenge Grants program provides matched funds from USFWS to support projects conducted by outside partners like zoos and aquariums accredited by the Association of Zoos and Aquariums to develop and implement recovery plans and high priority recovery actions for endangered species. With limited funding for recovery, it is more important than ever to invest Federal funding in programs that leverage the significant resources and expertise of outside partners to help the USFWS accomplish its objectives in the most effective way. Increasing funding for endangered species through the Recovery account and the Recovery Challenge Grant program specifically would recognize the positive impact this funding has had on recovery goals and encourage the continued prioritization of these important functions.

USFS-International Forestry-\$22 Million: WCS supports the President's request for \$22 million for the International Forestry program (FS-IP). With estimates ranging broadly from \$51 billion to \$150 billion, the trade in illegal timber threatens the world's forests, reduces biodiversity, and severely affects countless local communities that rely on forests for food, employment, and wealth. The trade also affects the U.S. economy, which has lost approximately \$1 billion per year and over 200,000 jobs due to illegal logging. FS-IP works to level the playing field by reducing illegal logging and improving the sustainability and legality of timber management overseas, translating to less underpriced timber undercutting U.S. producers. Through partnerships with USAID and the Department of State, FS-IP helps to improve resource management in countries of strategic importance to U.S. economic and national security. This work maintains biodiversity in important natural strongholds and helps some of the world's last intact forests continue to play a key role in sequestering carbon, reducing the effects of climate change.

With technical and financial support from FS-IP, WCS has been conserving the biologically rich Southern Forest Complex in the southern part of Myanmar. The region comprises tropical rain forests inhabiting globally endangered species like Indochinese tiger, Asian elephant, and Malayan tapir. Furthermore, about 600 kilometers of coastline edged with mangrove forests allows for a considerable variety of biodiversity, including marine species such as sea turtles and cetacean species such as whales and dugong. In this landscape, WCS promotes a participatory approach to landscape level land-use planning advocating for the establishment of a Community Based Conservation Corridor along the Myintmoletkhet range, supporting local communities to conduct biological monitoring surveys within their traditional village boundaries, within or around protected areas.

USGS-Climate Adaptation Science Centers-\$87.3 Million: The USGS Climate Adaptation Science Centers (CASCs) collaborate with cultural and natural resource managers and other stakeholders of public lands to develop research, data, and scientific resources to respond to the effects of climate variability and change on fish, wildlife, ecosystems, and the communities they support. The National CASC manages nine Regional CASCs, which serve every State in the Nation and connect decision makers to science by educating and conducting actionable research to answer common concerns about how climate extremes and trends affect human populations, wildlife, forests, grasslands, rivers, coastlines, and other natural resources.

Sea-level rise, changing stream and ocean water temperatures, and extreme weather events are causing Federal, State, and local governments, businesses, and Indigenous peoples to face new damages and incur new costs to prepare for new conditions. As the challenges faced by these entities worsen, CASCs are deploying their research, education, and outreach capacities to provide science and data to make strong decisions. But given accelerating demands, additional resources are required to provide the assistance to anticipate and adapt to these changing circumstances. Looking to the future, there are opportunities for CASCs to: expand strategic partnerships with other government offices and agencies, private-sector partners, and community groups to increase understanding and implementation of new practices informed by sound science; expand CASCs role in generating knowledge and the future workforce to build the capacity of DOI managers, and their partners, to access and apply climate science; increase development of data and research that addresses the increasing informational needs of natural and cultural resource managers; and better inform the DOI strategic priorities and mission areas with their supporting goals.

WCS appreciates the opportunity to share its perspective and to make a case for modest increases in Federal investments in conservation in the FY24 Interior, the Environment and Related Agencies Appropriations Act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will reaffirm our global position as a

conservation leader, while improving national and global security and building capacity and good governance in developing countries.

[This statement was submitted by Colin Sheldon, Director of Federal Affairs.]

PREPARED STATEMENT OF THE WILDLIFE SOCIETY

The Wildlife Society (TWS; wildlife.org) appreciates the opportunity to provide testimony concerning the FY 2024 budgets for the U.S. Geological Survey (USGS), U.S. Fish and Wildlife Service (FWS), and Bureau of Land Management (BLM) (USFS). Founded in 1937, TWS represents approximately 15,000 wildlife professionals, including research scientists, biologists, managers, and students, with a mission to inspire, empower, and enable professionals to sustain wildlife populations and habitat through science-based management and conservation.

Appropriations for the following programs within the jurisdiction of the subcommittee on Interior, Environment, and Related Agencies will affect the current and future status of wildlife and wildlife professionals in North America. To enable the appropriate use of science within these programs and beyond, TWS respectfully requests the following programmatic funding in FY 2024.

FY 2024 Interior Appropriation Requests—The Wildlife Society

Agency	Program	FY 2023 Enacted	FY 2024 TWS
USGS	Climate Adaptation Science Centers	63.1 M	87.3 M
	Cooperative Research Units	28.2 M	34 M
	National Wildlife Health Center Infrastructure Improvements.	*135 M	FWS
FWS	National Wildlife Refuge System	541.6 M	712 M
	State and Tribal Wildlife Grants	73.8 M	100 M
	Ecological Services	269 M	384.5 M
	Cooperative Endangered Species Conservation Fund	24.6 M	25 M
	NMBCA	5.1 M	9.9 M
	Partners for Fish and Wildlife	60.3 M	79.7 M
	Migratory Bird Joint Ventures	16.8 M	25 M
BLM	Wildlife Habitat Management	149 M	162 M

no-year funding request appropriated until expended

U.S. GEOLOGICAL SURVEY (USGS)

Within the Ecosystems Mission Area, the Climate Adaptation Science Centers program responds to regional wildlife, ecosystems, and community-based stakeholder needs in the face of a changing climate. Minor funding increases in recent fiscal years have allowed for increased program responsiveness and additional capacity to ensure Tribes have proactive opportunities to shape projects and distribution of resources. However, funding has not kept pace with identified needs, particularly in ensuring USGS has the resources to communicate scientific outputs to stakeholders to act on project findings. In FY 2024, we recommend full implementation of the Administration's proposal, with a goal of reaching no less than \$87.3 million.

The Survey-wide National Wildlife Health Center located in Madison, WI is the Nation's only Federal BSL-3 facility exclusively dedicated to scientific investigation and research on wildlife diseases that threaten human, animal, and environmental health. TWS thanks Congress for providing \$55 million in funding for phase one improvements to the National Wildlife Health Center in FY 2021. However, an estimated \$135 million in no-year funding is still required for project completion. The

Center is making progress on the modernization plans and has awarded contracts for the building design and environmental assessment. The design is expected to be completed by October 2024, making FY 2024 appropriations especially timely. Securing the remaining funding in FY 2024 would be least disruptive option and would minimize the risk of rising costs due to inflation. TWS requests the remaining \$135 million in funding, appropriated until expended, to complete these much-needed infrastructure improvements.

The USGS Cooperative Fish & Wildlife Research Units (CRUs), which fosters federal, state, NGO, and academic partnerships to provide actionable science tailored to the needs of natural resource managers, plays a pivotal role in the implementation of State and Federal management decisions. The support of many State agencies, universities, and non-government organizations has allowed the program to be a model for cooperative natural resource science programming and leverage an average of three dollars in outside funds for every Federal dollar invested. The Wildlife Society thanks appropriators for their understanding of this need and the associated funding increases provided in FY 2023. In the past year, the program was able to establish a new unit in the State of Michigan and onboard 37 new unit scientists. Additional States have discussed the opportunity to host units responsive to their scientific needs, but have been limited by available Federal funding. The Wildlife Society requests an increase in funding to \$34 million in FY 2024, which will allow the CRUs to build on these new partnerships and establish units in States that have long requested them.

U.S. FISH AND WILDLIFE SERVICE (USFWS)

With 850 million acres of lands and waters in every U.S. state and territory, the National Wildlife Refuge System (NWRS) plays a key role in the conservation of native species and connects Americans to recreation opportunities such as hunting, fishing, hiking, and environmental education. Unfortunately, the current NWRS Operations and Maintenance (O&M) budget is nowhere close to meeting the needs of native species and the American public. In order to effectively conserve species on NWRS lands and align with the multiuse goals of the Refuge System, significant investments in O&M programming are required. Conservation planning, a core O&M subactivity that deals with the creation of multi-stakeholder Comprehensive Conservation Plans for refuge system units, has been chronically underfunded. As a result, 40 percent of these congressionally mandated plans are either out of date or do not exist. In addition to inadequate funding for long-term planning, the NWRS has lacked funding to meet their own identified needs in bringing diverse audiences into USFWS programming. The Urban Wildlife Program, housed under NWRS O&M, seeks to target USFWS investments to underserved communities to bolster recreational access and conservation outreach. Through the Urban Wildlife Program, and the more than 100 refuges located less than 25 miles from a city center, NWRS is well-positioned to engage diverse constituencies in the conservation of our native species. Unfortunately, NWRS is not able to meet these needs given currently available funding. TWS urges Congress to consider the significant shortcomings of the operations and maintenance accounts of the National Wildlife Refuge System in FY 2024, and provide at least \$712 million in funding to begin making inroads on adequate visitor services, habitat management activities, and long term conservation planning.

The State and Tribal Wildlife Grants Program (STWG) is the Nation's only program that encourages development and implementation of State Wildlife Action Plans. Collectively, STWG funds support strong partnerships among federal, state, Tribal, private, and nonprofit entities that enable wildlife professionals to implement on-the-ground conservation activities that benefit over 12,000 at-risk species, with the goal of eliminating the need to list them under the Endangered Species Act. In FY 2010, appropriations were at \$90 million for the program—allowing States to complete more of the projects deemed necessary for monitoring and management of at-risk species. Subsequent budget reductions in STWG, however, have not allowed this highly successful program to reach its full potential. TWS requests that Congress once again work to increase funding for the program to at least \$100 million annually.

Through the Ecological Services Program (ESP), USFWS works with diverse public and private partners to help identify species facing extinction, reduce threats to their populations, and return species back to the public trust responsibilities of States and Tribes. Wildlife professionals in USFWS are working on new strategies to increase efficacy of ESP, though the primary impediment to effectiveness remains inadequate funding. To effectively move species through all components of the ESA

listing and delisting process, TWS requests full implementation of the Administration's FY 2024 request of no less than \$384.5 million for all subactivities.

States and territories are critical partners in the recovery of species listed under the Endangered Species Act. The Cooperative Endangered Species Conservation Fund serves as a vital tool for States and territories to serve as equal partners in implementation of on-the-ground conservation practices that work towards species recovery. The Wildlife Society requests Congress allocate no less than the FY 2023 USFWS funding level of \$25 million to the Cooperative Endangered Species Conservation Fund in FY 2024.

Since 2002, the Neotropical Migratory Bird Conservation Act (NMBCA) has provided more than \$80 million in grants to support 686 projects in 43 countries. These grants have enabled partner entities and wildlife professionals to conserve approximately 400 migratory bird species across more than 5 million acres. Moreover, NMBCA has achieved a partner match ratio of nearly 4:1 despite requiring only a 3:1 match. The needs of U.S. migratory bird species and conservation efforts to keep these species common extends to landscapes far beyond U.S. borders. As a result, TWS recommends Congress increase funding to no less than \$9.9 million in FY 2024 to achieve greater proactive conservation results under the NMBCA program.

Further promoting USFWS' partnership with non-federal stakeholders is the Partners for Fish and Wildlife Program. This program allows voluntary habitat restoration goals, aligned with identified strategic priorities, on private lands to be achieved through cost-efficient financial and technical assistance. If adequately funded, this program has the potential to serve as a vital tool in implementing private land conservation efforts and proactively conserving at-risk species prior to reaching the point of Endangered Species Act listing. TWS supports an increase in Partners for Fish and Wildlife program funding to no less than \$79.7 million in FY 2024.

The Migratory Bird Joint Ventures (MBJV), part of USFWS' Migratory Bird Management program, are locally-directed partnerships that develop and implement science-based habitat conservation strategies for all species of birds across North America. These partnerships have leveraged Federal funds at 31:1 to enhance and conserve over 27 million acres of avian habitat. The MBJV's Urban Bird Treaties grant program supports partnerships to conserve birds in urban environments by conserving nearby wetlands and creating parks for local communities to learn about wildlife. TWS supports \$25 million in FY 2024 for the Migratory Bird Joint Ventures to enhance and promote the program's highly effective and collaborative partnerships.

BUREAU OF LAND MANAGEMENT (BLM)

The Wildlife Habitat Management program maintains and restores fish, wildlife, and their habitat across a large portion of America's western landscapes. This includes projects to balance effects of multiple public land uses, such as energy development and livestock grazing, with the needs of native species. This program also includes management of approximately 300 listed species under the Endangered Species Act. TWS recommends Congress support the Wildlife Habitat Management program with no less than the Administration request of \$162 million in FY 2024. Within the Wildlife Habitat Management line item, TWS also wants to emphasize our support for the Administration's request of \$2 million in funding for Tribal co-stewardship of lands and waters that contain natural resources of significance to Tribal nations.

The Wildlife Society recognizes free-ranging horses and burros in the U.S. as ecologically invasive, feral species. Free-ranging, legally designated "wild", horse and burro populations on BLM lands were estimated at over 82,000 individuals in March of last year, only the second estimated population decrease in a decade. While TWS has been pleased to see the BLM's increased use of gathers and adoptions, population estimates still exceed the agency's threshold for ecological sustainability by more than 55,000 animals. By the BLM's own estimates, it will take hundreds of millions of dollars and several years more to reach ecologically sustainable levels. TWS recommends support for the BLM in their efforts to employ all the tools at their disposal to achieve ecologically sustainable levels. Additionally, TWS requests the elimination of an annual appropriations rider limiting sale and/or destruction of unwanted or unadoptable horses and burros. This will allow for the flexibilities and long-standing protections to herd health as outlined in the 1971 Wild Free Roaming Horses and Burros Act to be implemented as originally outlined by Congress.

[This statement was submitted by Don Yasuda, CWB, President, The Wildlife Society.]

PREPARED STATEMENT OF THE WORLD WILDLIFE FUND

Thank you for the opportunity to provide written testimony on the Fiscal Year 2024 (FY24) budget. World Wildlife Fund (WWF) is one of the world's leading conservation organizations, operating in nearly 100 countries to ensure a future in which both people and nature can thrive by helping to conserve our planet's biodiversity and the natural resources upon which we all rely. With one million members in the United States and over 10 million supporters globally, WWF takes an approach that integrates global reach and local impact with a scientific foundation, promoting innovative solutions to meet the needs of people and nature.

WWF thanks the subcommittee for its past support of important international conservation and law enforcement programs at the U.S. Fish and Wildlife Service (USFWS) and U.S. Forest Service (USFS) and urges continued support for these programs in FY24. U.S. investments in these programs are playing a critical role in addressing the biodiversity crisis and the loss, degradation, and over-exploitation of nature. According to WWF's 2022 Living Planet Report,¹ population sizes of mammals, birds, fish, reptiles, and amphibians have declined by a shocking 69 percent on average since 1970, primarily due to human activities. Conservation investments are some of the clearest and most cost-effective solutions to reversing this trend and addressing the loss of nature and biodiversity, including through support provided by several important programs at the Department of the Interior. WWF requests the subcommittee to support funding for the following USFWS and USFS accounts at these levels in FY24:

- \$30 million for the Multinational Species Conservation Funds;
- \$26.7 million for US Fish and Wildlife Service International Affairs;
- \$104.4 million for US Fish and Wildlife Service Office of Law Enforcement, including \$15 million to implement the 2008 Lacey Act Amendments and prevent illegal timber trade;
- \$22 million for US Forest Service International Programs;
- WWF also requests that the subcommittee direct \$2 million to support the recovery of the endangered black-footed ferret as part of significantly increased funding for the U.S. Fish and Wildlife Service's (USFWS) Ecological Services program.

Modest investments in global conservation made through agencies such as USFWS and USFS have out-sized impact in protecting species and habitats in developing countries while supporting local communities, fostering stability and sustainable growth, combating transnational organized crime, ensuring U.S. competitiveness in global markets, and demonstrating U.S. leadership on global challenges. Several recent reports, including from the Council for Strategic Risks,² detail that nature is in crisis and increasing rates of biodiversity loss globally are threatening severe consequences for our societies and economies. We must work together to reverse these trends and ensure that economic growth and conservation move forward hand-in-hand on a global scale if nature is to continue providing the resources that we need. Secure food supplies, clean air and water, fertile soils, and well-functioning natural ecosystems are the foundation of our health and prosperity and powerful antidotes against forces of disruption and discontent that can take root in impoverished regions. The conservation of forests and other carbon-rich and biodiverse ecosystems—along with the wildlife populations they support—is also key to slowing and reversing global climate change and preventing spillover of new zoonotic pathogens that can cause future pandemics. For these reasons, U.S. investments in global conservation should be seen as essential elements of our foreign policy, development, and national security agendas and should be resourced commensurately.

MULTINATIONAL SPECIES CONSERVATION FUNDS

The U.S. Fish and Wildlife Multinational Species Conservation Funds are highly successful grant programs that support the conservation of rhinos, tigers, great apes, African and Asian elephants, marine and freshwater turtles and tortoises, and

¹ WWF (2022) Living Planet Report 2022—Building a nature-positive society. Almond, R.E.A., Grooten, M., Juffe Bignoli, D. & Petersen, T. (Eds). WWF, Gland, Switzerland. Available at: https://wwflpr.awsassets.panda.org/downloads/lpr_2022_full_report.pdf.

² R. Schoonover, C. Cavallo, and I. Caltabiano. "The Security Threat That Binds Us: The Unraveling of Ecological and Natural Security and What the United States Can Do About It." Edited by F. Femia and A. Rezzonico. The Converging Risks Lab, an institute of The Council on Strategic Risks. Washington, DC. February 2021. Available at: <https://councilonstrategicrisks.org/the-security-threat-that-binds-us/>

their habitats. Wildlife trafficking and poaching, habitat loss, and human-wildlife conflict threaten these species throughout their ranges. Working with partner governments and non-governmental organizations in Africa, Asia, and Latin America, these programs provide dedicated support for habitat conservation, scientific research and monitoring, wildlife management, public education, anti-poaching, and wildlife-based tourism opportunities in developing countries. The programs also support wildlife health monitoring to detect and prevent transmission of wildlife-borne diseases, including Ebola among great ape populations in Central Africa. Since 1989, MSCF programs have awarded over 4,500 grants totaling \$330 million, leveraging over \$475 million in matching contributions from partners. Conservation needs continue to surpass available funding for these programs, which were reauthorized by Congress in 2019 and have consistently garnered significant constituent interest and received strong bipartisan support. For these reasons, WWF requests that the MSCF be fully funded at its authorized level of \$30 million in FY24, an increase of \$9 million over the FY23 enacted level and \$8 million over the President's Budget Request.

USFWS INTERNATIONAL AFFAIRS

The USFWS International Affairs (IA) division supports international efforts to protect species and their habitat, prevent wildlife trafficking and human-wildlife conflict, and build conservation capacity in developing countries in Africa, Asia and Latin America, including at a regional scale. The program supports efforts to train wildlife conservation professionals in these regions and works with governmental and nongovernmental entities to provide technical and financial assistance to improve wildlife management and conservation of endangered species, prevent poaching and wildlife trafficking, reduce demand for illegal wildlife products, and the detection and monitoring of zoonotic diseases to prevent their transmission, spillover, and spread, including to human populations. USFWS-IA also supports efforts to protect critically endangered species that are not specifically covered by the Multi-national Species Conservation Funds and is responsible for implementing the Convention on International Trade in Endangered Species (CITES), including related permitting, and other laws to address wildlife trade and trafficking, such as the END Wildlife Trafficking Act, which was reauthorized by Congress in 2022. Increased funding will support global efforts to prevent the spillover of zoonotic diseases to humans due to high-risk wildlife trade and other human-wildlife interactions, to upgrade technological systems, including those supporting USFWS permitting processes, and to provide resources needed to implement congressional directives on enhanced safeguards for these programs, given the often challenging places and social conditions in which they operate. The President's FY24 budget proposes transferring the ePermitting program and the requisite funding of \$7.5 million out of International Affairs, where it is currently managed, over to its own line in the FWS budget. Because of this, the President's request of \$26.7 million for USFWS-IA represents an actual net increase of \$5.1 million above FY23. WWF requests that the subcommittee support the President's requested increase for the USFWS International Affairs program and fund it at \$26.7 million in FY24.

USFWS OFFICE OF LAW ENFORCEMENT

USFWS Office of Law Enforcement (OLE) is central to combatting the illegal trade in natural resources, investigating wildlife crimes, enforcing wildlife trade and trafficking laws, and implementing the 2008 Lacey Act amendments that prohibit trade in illegal plant and timber products, with OLE inspectors working in nearly 40 ports of entry in the US and internationally. Wildlife trafficking is a transnational organized crime that generates up to \$23 billion annually in illicit profits while driving elephants, rhinos, and tigers and other trafficked species towards extinction. It also helps finance criminal syndicates and armed groups, including some with ties to terrorist activities, while increasing corruption and undermining rule of law in developing countries. Trafficking and unregulated trade in species that can transmit dangerous zoonotic pathogens also heightens the risk of zoonotic spillover that can lead to future pandemics. OLE works with law enforcement in developing countries and via broader regional efforts to improve wildlife crime investigations and enforcement and coordinate anti-trafficking operations across multiple countries and regions, which have disrupted global wildlife trafficking networks and resulted in large-scale seizures of illegal wildlife shipments and the arrest, prosecution, and sentencing of major wildlife traffickers. USFWS has been able to provide significant support to these activities through the stationing of law enforcement attaches in strategic countries in Africa, Asia and Latin America. Additional funding is needed to increase the number of OLE personnel playing

this role in more countries as well as dedicated staff support to enhance investigative capacity and intelligence capabilities, such as the ability to make use of big data analytics and to address the growth in online wildlife trafficking. Increased resources will also allow OLE to fulfill its mandate to enforce the Lacey Act amendments of 2008. The harvesting and sale of illegal wood products from other countries has a major impact on the U.S. forestry sector through lost revenues and wages due to competition from these illegal products, including those imported and sold in the U.S. These illegal activities are estimated to cost the U.S. forestry sector as much as \$1 billion annually.³ Illegal timber trade is also a major driver of global deforestation, which exacerbates both climate change and the spillover of zoonotic diseases. In order to meet existing mandates and expand OLE's capacity in these areas, WWF requests \$104.4 million for the USFWS Office of Law Enforcement in FY24, an increase of \$12.3 million over the FY23 enacted level and level with the President's Budget Request. WWF also requests that \$15 million of this amount be directed specifically towards implementing the 2008 Lacey Act amendments and efforts to prevent illegal timber trade.

USFWS BLACK-FOOTED FERRET RECOVERY PROGRAMS

One of North America's most endangered mammals, the black-footed ferret was saved from extinction in the 20th century through captive breeding, population reintroductions, habitat protection, and disease mitigation. Once found throughout the North American Great Plains and intermountain west, ferret populations declined dramatically with widespread poisoning of prairie dogs (their primary prey) and the arrival of a non-native disease—sylvatic plague—in the early 1900s. Currently, a total of only 316 individuals exist in 15 populations in eight Western States. Recovering the species will require mitigating sylvatic plague, supporting land managers willing to host populations, and securing additional ferret reintroduction sites on private, public, and Tribal lands. Currently, no dedicated Federal funding exists to maintain black-footed ferrets in the wild. WWF requests \$2 million specifically to support black-footed ferret recovery as part of increased funding for the USFWS Ecological Services program.

US FOREST SERVICE INTERNATIONAL PROGRAMS

Through its International Programs, the US Forest Service works to help partner countries improve forest management, including through provision of technical assistance on timber tracking technologies, harvesting techniques that reduce ecological impact, and forest certification regimes. By promoting legal and sustainable global trade in timber and other forest products, they help ensure a level playing field for sustainable wood products and producers. The programs also help to combat invasive species and conserve habitat for migratory species, such as monarch butterflies, and have supported conservation of tigers and other iconic species by reducing pressure on their forest habitats. By helping to stop deforestation, these programs also contribute to efforts to slow climate change and prevent the spillover of zoonotic diseases from wildlife to people. WWF requests \$22 million for US Forest Service International Programs in FY2024, level with the President's Budget Request.

[This statement was submitted by Will Gartshore, Senior Director, Policy and Government Affairs.]

³ <https://fas.org/sgp/crs/misc/R42119.pdf>

LIST OF WITNESSES, COMMUNICATIONS, AND PREPARED STATEMENTS

	Page
Alliance for the Great Lakes, Prepared Statement of the	195
American:	
Alliance of Museums, Prepared Statement of the	196
Circus Alliance, Prepared Statement of the	199
Hiking Society, Prepared Statement of	200
Institute of Biological Sciences, Prepared Statement of the	203
Lung Association, Prepared Statement of the	206
Nuclear Society, Prepared Statement of	208
Psychological Association, Prepared Statement of the	209
Rivers, Prepared Statement of	210, 214
Amin, Faisal, Chief Financial Officer, U.S. Environmental Protection Agency .	93
Animal Welfare Institute, Prepared Statement of the	215
Appalachian Trail Conservancy, Prepared Statement of the	218
Association of:	
Air Pollution Control Agencies, Prepared Statement of the	220
Fish and Wildlife Agencies, Prepared Statement of the	222
State Drinking Water Administrators, Prepared Statement of the	225
Zoos and Aquariums, Prepared Statement of the	228
Backcountry Hunters & Anglers, Prepared Statement of	231
Central Arizona Water Conservation District, Prepared Statement of the	234
Center for Invasive Species Prevention, Prepared Statement of the	236
Chemical Safety and Sustainability, Prepared Statement of the	239
Chippewa:	
Cree Tribe of the Rocky Boy's Reservation, Prepared Statement of the	240
Ottawa Resource Authority, Prepared Statement of the	242
Chugach Regional Resources Commission, Prepared Statement of the	245
Coalition:	
for:	
American Heritage, Prepared Statement of the	248
to:	
Protect America's National Parks, Prepared Statement of the	250
Colorado:	
River:	
Basin Salinity Control Forum, Prepared Statement of the	253
Basin Salinity Control Program, Prepared Statement of the	252, 255–256
Columbia River Inter-Tribal Fish Commission, Prepared Statement of the	257
Confederated Tribes and Bands of the Yakama Nation, Prepared Statement of the	260
Conservation Fund, Prepared Statement of the	263
Cooperative Alliance for Refuge Enhancement, Prepared Statement of the	266
Council of Infrastructure Financing Authorities, Prepared Statement of the	268
Defenders of Wildlife, Prepared Statement of	270
Department for Professional Employees, Prepared Statement of the	274
Diné Bi Olta School Board Association, Prepared Statement of the	274
Entomological Society of America, Prepared Statement of the	277
Environmental	
And Energy Study Institute, Prepared Statement of the	283
Council of the States, Prepared Statement of the	280
Federation of State Humanities Councils, Prepared Statement of the	

	Page
Federation of State Humanities Councils, Prepared Statement of the—Continued	285
Feinstein, Senator Dianne, U.S. Senator From California, Questions Submitted by	88, 184
Fischer, Senator Deb, U.S. Senator From Nebraska, Questions Submitted by	90
Geological Society of America, Prepared Statement of the	288
Great Lakes:	
Indian Fish and Wildlife Commission, Prepared Statement of	293
Restoration Initiative, Prepared Statement of	291
GreenLatinos, Prepared Statement of	296
Haaland, Hon. Deb, Secretary, Department of the Interior:	
Prepared Statement of	42
Statement of	33
Summary Statement of	40
Heinrich, Senator Martin, U.S. Senator From New Mexico, Questions Submitted by	185
Historic Preservation Fund, Prepared Statement of	299
Hoeven, Senator John, U.S. Senator From North Dakota, Questions Submitted by	190
Hopi Tribe, Prepared Statement of the	302
Hoopla Valley Tribal Council, Prepared Statement of	3
Humane Society Legislative Fund and the Humane Society of the United States, Prepared Statement of	305
Jamestown S'Klallam Tribe, Prepared Statement of the	308
Kalispel Tribe of Indians, Prepared Statement of the	311, 313
Land and Water Conservation Fund, Prepared Statement of the	315
League of American Orchestras, Prepared Statement of the	317
Little Shell Tribe of Chippewa Indians, Prepared Statement of the	319
Medical Library Association and Association of Academic Health Sciences Libraries, Prepared Statement of	321
Merkley, Senator Jeff, U.S. Senator From Oregon, Opening Statement of	1, 33, 93, 143
Metlakatla Indian Community, Prepared Statement of the	325
Moore, Mr. Randy, Chief, U.S. Forest Service:	
Prepared Statement of	7
Statement of	1
Summary Statement of	6
Murkowski, Senator Lisa, U.S. Senator From Alaska:	
Questions Submitted by	186
Statement of	4, 37, 105, 145
Murray, Senator Patty, U.S. Senator From Washington, Statement of	59, 147
National:	
Association of:	
Abandoned Mine Land Programs, Prepared Statement of the	328
Clean Air Agencies, Prepared Statement of	334
Clean Water Agencies, Prepared Statement of	331
State Energy Officials, Prepared Statement of the	337
State Foresters, Prepared Statement of the	338
Tribal Historic Preservation Officers, Prepared Statement of	342
Endowment for the Arts, Prepared Statement of the	344, 346
Fish and Wildlife Foundation, Prepared Statement of the	349
Humanities Alliance, Prepared Statement of the	352
Indian Health Board, Prepared Statement of the	354
Parks Conservation Association, Prepared Statement of	357
Trust for Historic Preservation, Prepared Statement of the	360
Wildlife:	
Refuge:	
Association, Prepared Statement of	363
System, Prepared Statement of	365, 366
Natural Science Collections Alliance, Prepared Statement of the	367
Nature Conservancy, Prepared Statement of the	369
Navajo Agricultural Products Industry, Prepared Statement of	372

	Page
Newland, Hon. Bryan, Assistant Secretary for Indian Affairs:	
Prepared Statement	151
Statement of	143
Summary Statement	148
Nez Perce Tribe, Prepared Statement of the	373
Nisqually Indian Tribe, Prepared Statement of	376
Northwest:	
Indian Fisheries Commission, Prepared Statement of	378
Portland Area Indian Health Board, Prepared Statement of	381
Norton Sound Health Corporation, Prepared Statement of	384
Office of:	
Navajo Hopi Indian Relocation, Prepared Statement of	389
Surface Mining Reclamation and Enforcement, Prepared Statement of	392
Oregon Water Resources Congress, Prepared Statement of	395, 397
Outdoor Alliance, Prepared Statement of	387
Pacific Salmon Commission, Prepared Statement of the	400
Pinon Community School, Prepared Statement of	402
Preservation Action, Prepared Statement of	404
Pueblo of:	
Acoma, Prepared Statement of	407
Santa Clara, Prepared Statement of	410
Ramah Navajo School Board, Prepared Statement of	413
Recording Academy, Prepared Statement of the	416
Regan, Hon. Michael S., Administrator, Environmental Protection Agency:	
Prepared Statement of	110
Statement of	93
Summary Statement of	108
Self-Governance Communication & Education Tribal Consortium, Prepared Statement of	416
Society:	
for:	
American Archaeology, Prepared Statement of the	418
of:	
American Foresters, Prepared Statement of the	421
Southeastern Wood Producers Association, Prepared Statement of the	424
Squaxin Island Tribal Leadership, Prepared Statement of the	425
Tester, Senator Jon, U.S. Senator From Montana, Question Submitted by	185
Tso, Roselyn, Director, Indian Health Services:	
Prepared Statement of	159
Statement of	158
United States Environmental Protection Agency, Prepared Statement of	428
U.S. Fish and Wildlife Service, Prepared Statement of the	430
Van Hollen, Senator Chris, U.S. Senator From Maryland, Questions Submitted by	89
WaterReuse Association, Prepared Statement of the	431
Western:	
Governors' Association, Prepared Statement of the	432
Landowners Alliance, Prepared Statement of the	435
Wilderness Society, Prepared Statement of the	436
Wildlife:	
Conservation Society, Prepared Statement of the	440
Society, Prepared Statement of the	443
World Wildlife Fund, Prepared Statement of the	446

SUBJECT INDEX

UNITED STATES FOREST SERVICE

	Page
Additional Committee Questions	31
Confronting the Wildfire Crisis	9
Ensuring Equitable Access to and Benefits from the National Forest System ..	9
Leveraging Additional Funding Authorities	10
Management Strategy	9

DEPARTMENT OF THE INTERIOR

2024 Legislative Proposals	42
Abandoned Mine Land Economic Revitalizaion	85
Additional Committee Questions	88
Advancing Indian Education	45
Alaska Native Vietnam Vets Allotment Program	79
Approval of Premits to Drill	72
America the Beautiful Initiative	
61	
Building Agency Capacity	53
Chesapeake Bay	70
Creating Jobs and Meeting Energy and Environmental Challenges	48
Conventional Energy	50
Conservation and Healthy Lands	47
DOI-Wide Drought Efforts	61
Endangered Species Listing	77
Environmental Permitting	64
Federal Oil and Gas Lease Sales	72
Fish Hatcheries	87
Fort Belknap Water Settlement	76
GAOA: Legacy Restoration Fund	85
Great Lakes Restoration Initiative	65
Increasing Representation and Inclusion	52
Indian Affairs Section 105(1) Lease Program	57
Interior's Workforce and Infrastructure	53
Investing in:	
Technology and Information Management	54
Tribal Communities	44
King Cove, Alaska	57
Klamath Ecosystem	87
Leveraging Science	48
Meeting Financial Tribal Trust Responsibilities	45
Monarch:	
Butterflies	78
Monarch Butterfly	81
Moving Forward With Clean Energy	49
National:	
Heritage Areas	67
Park Service Staffing	82
NPS Cheasapeake Bay Office	71
Offshore Wind in Maryland	71
Ongoing Commitment to Diversity and Equity	52
On Shore Oil and Gas Production	73
Park Employee Housing	

	Page
Park Employee Housing—Continued	82
And Recruitment	66
Promoting Equity, Diversity, and Inclusion of Underserved Communities	51
Public Safety on Tribal Lands	55
Reclamation Jobs	51
Salmon Hatcheries	60
Section 7 Consultations	84
Strengthening Tribal Nations	44
Supporting Community Resilience	46
Tribal:	
Land and Water Conservation Fund Program	80
Law Enforcement Recruitment and Retention	76
Public Safety	74
U.S. Park Police, and NPS Special Agents	53
Warrior Met Coal Permit	67
Western Oregon Operating Plan	85
Wildland Fire Reforms	45

ENVIRONMENTAL PROTECTION AGENCY

Achieving Clean and Safe Water for All Communities	111
Additional Committee Questions	137
Continuing to Restore EPA's Core Capacity and Following the Science	113
Elevating Environmental Justice	113
Enforcing Environmental Laws	111
Ensuring:	
Clean and Healthy Air for All Communities	111
The Safety of Chemicals for People and the Environment	112
Safeguarding and Revitalizing Communities	112
Tackling the Climate Crisis	110
The FY 2024 President's Budget Request	110

INDIAN HEALTH SERVICES

105L Leases	168
Additional Committee Questions	184
Advance:	
Economic Opportunities	155
Indian Trust Ownership and Improve Indian Trust-Related Information ..	154
Bureau of:	
Indian:	
Affairs and Office of the Assistant Secretary for Indian Affairs	152
Education	156
Trust Funds Administration	157
Casework Response	169
Capacity Building	155
Community Health Aid Program	170
Contract Support Costs	172
Covid-19 Response and Future Emergency Preparedness	164
CSC and 105L Leases	166, 167
Education:	
Construction	157
Management	156
Funding Flat With Fiscal Year 2022	165
Gallup Indian Medical Center Replacement	169
Infrastructure Investment	155
Invest in Climate Resilience, Natural Resource Management and Costewardship	154
Land and Water Claims Settlements	
Leadership Priorities	160
Long-Term Funding Solutions	161
Loan Repayment Program	175
Mandatory	162
Mandatory Funding IHS	173
Modernizing Critical Infrastructure	

	Page
Modernizing Critical Infrastructure—Continued	163
Nurse Preceptorship Program	173
OMB VS. CBO Scores	168
Operation of Indian:	
Education Programs	156
Programs	152
Prioritizing High Quality Health Care	162
Protect and Support Safe Tribal Communities	153
Promote Tribal Self-Determination	153
Recent Accomplishments	151
Strengthen Tribal Communities	153
Supporting Self-Determination	164
Vacancies/Recruitment and Retention	182
Water Infrastructure/Warm Springs	170
Unobligated Balances	183

