INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2014

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE

81–745 WASHINGTON : 2013

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2014

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

TUESDAY, APRIL 16, 2013.

PUBLIC WITNESSES

Mr. SIMPSON. The Committee will come to order. Good morning and welcome to the first of three public witness hearings this morning, this afternoon, and again tomorrow morning. The subcommittee will be hearing from a cross-section of individuals representing a wide variety of issues addressed by this subcommittee. The chair will call each panel of witnesses to the table one panel at a time. I will screw up your names, so correct me when you get up here. That is okay.

Each witness will be provided with 5 minutes to present their testimony. We will be using the timer to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. Their full statements will be included in the record.

Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair requests that we keep things moving in order to stay on schedule. And the chair also wants to remind those in the hearing room that committee rules prohibit the use of outside cameras and audio equipment during these hearings.

Mr. SIMPSON. Mr. Moran.

Mr. MORAN. I am going to have to leave in a short while with Defense Secretary Hagel, so I am not going to take up time with an opening statement other than to say we are glad to hear from the folks. The first folks are representing water in this country and that is a critical issue for us as well. I hope we can find the resources and the creativity to provide adequate sources of clean, safe drinking water and the kind of resources we need to be devoting to our infrastructure, which is one of the places that has been cut most severely in the Interior appropriations bill unfortunately. But let's proceed with the hearing, Mr. Chairman.

Mr. SIMPSON. Thank you. And I appreciate the fact that you have the Secretary of Defense coming into the Defense Committee. Because of the shortened schedule from the time we got the Presi-

dent's budget until now, all of the subcommittees have been cramming hearings together on the budget and other things which has made it a little bit of a time compression. So, in fact, I was supposed to have a hearing this morning with the Secretary of Labor, but I am just not going to make it this morning. So anyway, we appreciate all of you coming in to give us your perspective on the issues that are important to you.

Our first panel is Pete DeMarco, Dr. Dorr Dearborn, and Bob Iacullo. Is that close?

Mr. IACULLO. That is very close.

Mr. SIMPSON. All right. Excellent. Pete, the time is yours.

TUESDAY, APRIL 16, 2013.

INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS

WITNESS

PETER DeMARCO

Mr. DEMARCO. Thank you, sir. Chairman Simpson, Ranking Member Moran, and members of the subcommittee, it is an honor to be here today, although our hearts are heavy due to the events yesterday in Boston and our hearts certainly go out to those affected in the State of Massachusetts.

My name is Pete DeMarco. I am a senior director for the International Association of Plumbing and Mechanical Officials. And that is IAPMO. IAPMO was founded in 1926 when plumbing code officials in Southern California came together to address waterborne illnesses outbreak and a severe drought that was affecting the region at that time. While IAPMO has grown over the years, our focus on effective delivery of safe potable drinking water and sanitation has never wavered.

Today, IAPMO engages in a number of activities to help state and local jurisdictions achieve their water and energy efficiency goals. These activities include the development of model construction codes, the development of product standards, the testing and certification of products, and the creation of educational and training programs. These efforts all work in concert to help ensure that the water you drink, the plumbing systems you use, and the products you buy are safe and effective.

As an international association, IAPMO codes are adopted throughout the world, and on a local level, many of you on the subcommittee, your home districts have adopted and enforced the IAPMO codes, and this includes the great and beautiful State of Idaho, I might add.

Plumbing, mechanical, and solar and swimming pool codes are developed employing a voluntary process that is accredited by the American National Standards Institute, ANSI. This commitment to transparency, openness, and consensus in our code development process is a big reason why our expertise is so widely respected.

In 2010, IAPMO published the first-ever green construction code in the United States, the "IAPMO Green Plumbing and Mechanical Code Supplement." By adhering to the water efficiency provisions

found within the Supplement, a 35 percent savings in water use over baseline codes and EPAct levels can be attained.

However, as we continue to demand greater efficiencies in our water usage, it is critically important that we also gain a better understanding of the ramifications this has on our plumbing systems as water flows from plumbing fixtures, appliances, and commercial equipment are reduced. In 2009, IAPMO was a founding member of the Plumbing Efficiency Research Coalition, PERC, created to conduct needed research to support the successful use of water efficient plumbing products.

In 2012, PERC issued its first research report, "The Drainline Transport of Solid Waste in Buildings." This research was conducted with the funding obtained entirely from the private sector. The bad news is it took 2 years to gain that funding. And it is such a small amount of funding to conduct this research that really is truly a shame.

We all realize the importance of water, yet the Federal Government is doing so very little in terms of supporting needed research on the unintended consequences of water efficiency in the built environment. Therefore, we encourage the Committee to have the Department of Interior and the EPA support these research efforts in terms of both funding dollars and towards supplying technical resources.

Just last week, President Obama unveiled his budget for fiscal year 2014. In this budget, the President requested approximately $8.1 billion for the EPA, a decrease of nearly $300 million over fiscal year 2012. We all understand the budget constraints facing our country, but we would encourage the Subcommittee to recommend that the EPA not relay these cuts to the critically important and effective WaterSense program. According to the EPA, WaterSense has helped consumers save a cumulative 287 billion gallons of viable, energy-laden potable water and over $4.7 billion in water and energy bills.

WaterSense is a great example of a federal program that truly delivers a "triple bottom line" result. In addition to supporting water efficiency measures that reduce the impact on our environment and help consumers save money, manufacturers of high-efficiency toilets, urinals, showerheads, and other products are benefiting from this effective, voluntary labeling program. Any cuts to WaterSense would be shortsighted and detrimental to water efficiency.

Additionally, IAPMO is aware of critical water issues facing Indian reservations throughout the country, yet very little effort has been devoted to provide desperately needed training for Native Americans. IAPMO has full-time staff devoted to creating ANSI-accredited training programs to provide education and life-changing skills in the trades. Our international experience has demonstrated how effective these training programs are, and we certainly recommend that such programs be deployed for the beneficial use on Indian reservations. Therefore, we ask the Committee to encourage the Bureau of Indian Affairs to seek accredited training programs that will bring much-needed skills to these remote reservations, skills that would remain within the community to benefit all.

In closing, we understand that there are many important, valuable programs for which your committee determines funding levels. Therefore, I would implore this committee to look at the programs and potential initiatives mentioned here today and these issues are truly bipartisan, widely supported programs that cost so little but achieve so much.

Chairman Simpson, Ranking Member Moran, and members of the subcommittee, as you know, there is no substitute for water. While I recognize the ingenuity and innovation that our country has demonstrated time and time again over the years, the fact remains that we will never be able to find a true replacement for this precious resource and the time to address our Nation's looming water-related concerns is now. These problems will only be compounded as our population grows.

Again, I appreciate your time today and look forward to answering any questions you might have. Thank you.

[The statement of Peter DeMarco follows:]

TESTIMONY OF

PETER DEMARCO

SENIOR DIRECTOR, INTERIONATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS (IAPMO)

U.S. HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

APRIL 16, 2012

Chairman Simpson, Ranking Member Moran and members of the subcommittee, it is indeed an honor to be here today. I welcome the opportunity to discuss the critically important issues of water-use, water-efficiency and water-conservation, and to also voice support for key programs under your jurisdiction, particularly at EPA.

My name is Peter DeMarco. I am a Senior Director for the International Association of Plumbing and Mechanical Officials (IAPMO). IAPMO was founded in 1926, when plumbing code officials in southern California came together to address a series of water-borne illness outbreaks and a massive drought that was plaguing the region. While IAPMO has grown over the last century, our focus on the effective delivery of safe potable water and sanitation, thus protecting public health has never wavered. You may be interested to know that more lives have been saved as a result of safe plumbing than from all medicines, vaccines and medical treatments combined. It is for this reason, IAPMO continues its mission to provide premier construction codes, product certification and education & training to the most vital industry in the world.

Today, IAPMO engages in a number of activities to help State and local code jurisdictions achieve their water and energy efficiency goals. These activities include the development of model construction codes; the development of product standards, the testing and certification of products, and the creation of educational and training programs. These efforts all work in concert to ensure that the water you drink, the plumbing systems you use, and the products you buy are safe and efficient.

With approximately 8,500 members and 29 offices worldwide, IAPMO's membership is diverse; comprised of plumbing and mechanical code officials, inspectors, engineers, manufacturers, contractors and water and energy efficiency experts.

As an international association, IAPMO's codes are adopted throughout the world. Not only do these efforts help to improve the human condition in areas such as India and Vietnam, but they also provide opportunities for U.S. businesses as hundreds of product standards are embedded in our codes. On a local level, many of you on this subcommittee, your home districts, have adopted and enforce IAPMO codes.

IAPMO plumbing, mechanical, solar and swimming pool codes are developed employing a voluntary consensus process accredited by the American National Standards Institute (ANSI). We proudly publish our model codes as designated American National Standards. This commitment to transparency, openness, impartiality and consensus in our code development process is a big reason why our expertise is so widely respected.

In 2010, IAPMO published the first-ever green construction code in the United States, the *IAPMO Green Plumbing and Mechanical Code Supplement.* By adhering to the water-efficiency provisions found within the Green Supplement, a 35 percent savings in water use over baseline plumbing codes and EPAct level requirements can be attained in both residential and commercial buildings.

However, as we continue to demand greater efficiencies in our water usage it is critically important that we gain a better understanding of the ramifications this has on our plumbing systems as water flows from plumbing fixtures, appliances and commercial equipment are reduced. In 2009, IAPMO was a founding member of the Plumbing Efficiency Research Coalition (PERC)[i], created to conduct needed research to support the successful use of water efficient plumbing products. The Memorandum of Understanding that underpinned the formation of PERC was signed at EPA headquarters with then-Administrator Steven Johnson presiding.

In 2012, PERC issued its first research report, *The Drainline Transport of Solid Waste in Buildings*[ii]. This research was conducted with funding obtained entirely from the private sector. The bad news is that it took PERC two years to obtain the relatively small amount of funding necessary to conduct this research. Nonetheless, the PERC research has been very well received and subsequent studies will help to inform code officials, plumbing engineers and plumbers regarding the consequences of reduced flows in our building drains.

We all realize the importance of water. Yet, the federal government is doing so very little in terms of supporting needed research on the unintended consequences of water efficiency in the built environment. Therefore, we encourage the committee to have the Department of Interior and the EPA support these research efforts in terms of both funding dollars and towards supplying technical resources.

Just last week, President Obama unveiled his budget for Fiscal Year (FY) 2014. In this budget, the President requests approximately $8.1 billion for the EPA, a decrease of nearly $300 million over FY 2012. We all understand the budget constraints facing our country, but we'd encourage the subcommittee to recommend that the EPA not relay these cuts to the critically important and valuable WaterSense program. According to the EPA, WaterSense has to date helped consumers save a cumulative 287 billion gallons of valuable, energy laden treated potable water and over $4.7 billion in water and energy bills.

WaterSense is a great example of a federal program that truly delivers a "triple bottom line" result. In addition to supporting water efficiency measures that reduce the impact on our environment and helps consumers save money, manufacturers of high efficiency toilets, urinals, faucets, showerheads and other products are benefitting from this effective, voluntary labeling program. The staff of WaterSense should be commended for their phenomenal work. Any cuts to WaterSense would be short-sighted and detrimental to water efficiency efforts.

Additionally, IAPMO is aware of the critical water issues facing Indian reservations throughout our country, yet very little effort has been devoted to provide desperately needed training to our Native Americans. IAPMO has full-time staff devoted to creating ANSI-accredited training programs to provide education and life-changing skills in the trades; including proper installation of rainwater catchment systems, the proper installation and maintenance of gray-water systems, correct installation of septic systems and back-flow prevention training. We ask the committee to encourage the Bureau of Indian affairs to seek accredited training programs that would bring much needed skills to these remote reservations—skills that will remain within that community to benefit all. Our international experience has demonstrated how effective these training programs are and we certainly recommend that such programs be deployed for beneficial use on Indian reservations.

Finally, I would like to briefly call this esteemed Committee's attention to two additional programs pertaining to water and energy efficiency. Every year, the National Institute of Building Sciences (NIBS) issues a report to the President of the United States. For the past three years, I have served as chair on the Energy and Water Efficiency Topical Committee for the NIBS Consultative Council. This year's report will highlight specific research need areas that will work towards improving the energy and water efficiency of our nation's buildings. These recommendations represent the consensus of construction community.

Going forward, the American National Standards Institute (ANSI) has established the Energy Efficiency Standardization Coordination Collaborative (EESCC). The objective of the Collaborative is to assess the energy and water efficiency standardization landscape, and carry out the development of an EESCC roadmap and compendium. The standardization roadmap is intended to identify what standards, codes, and conformance programs are available or under development, what gaps exist, and what additional standardization activities are needed to advance energy and water efficiency in the United States; and to support the adoption and implementation of standards, codes, and conformance activities among the public and private sectors. I hope all on this Committee will make a point of carefully reviewing these important efforts while determining the budgetary priorities for our Nation.

In closing, we understand there are many important and valuable programs for which your committee determines funding levels. Therefore, I would implore the committee to look at the programs and potential initiatives mentioned as these are truly bipartisan, widely-supported programs that cost so little but achieve so much.

Chairman Simpson, Ranking Member Moran and members of the subcommittee, as you know, there is no substitute for water. While I recognize the ingenuity and innovation that our country has demonstrated time and time again over the years, the fact remains that will never be able to find a replacement for this precious resource and the time to address our nation's looming water related concerns is now as these problems will only be compounded as our population grows. Again, I appreciate your time today and look forward to answering any questions you might have. Thank you.

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[i] PERC is comprised of IAPMO, the Alliance for Water Efficiency (AWE), the American Society of Plumbing Engineers (ASPE), The International Code Council (ICC), The Plumbing – Heating – Cooling Contractors Association (PHCC) and the Plumbing Manufacturers International (PMI).

[ii] *The Drainline Transport of Solid Waste in Buildings* is available for download, along with all supporting data, at http://www.plumbingefficiencyresearchcoalition.org/

Mr. SIMPSON. Dr. Dearborn.

TUESDAY, APRIL 16, 2013.

AMERICAN THORACIC SOCIETY

WITNESS

DORR DEARBORN

Mr. DEARBORN. Yes. Our prayers this morning are with the victims in Boston.

I am Dr. Dorr Dearborn, Professor of Pediatrics at Case Western Reserve University School of Medicine and a pediatric pulmonologist at Rainbow Babies and Children's Hospital in Cleveland. I am testifying on behalf of the American Thoracic Society, the organization to virtually all lung physicians and researchers in the United States.

I have three important messages that I would like to make today. First, air pollution is a serious health problem; second, EPA funding for clean air programs and should be increased; and third, let EPA do its job.

As a pulmonary physician, I treat kids with serious lung diseases such as severe asthma and cystic fibrosis. Through a combination of medications, lifestyle, and home environment modifications, I am usually able to help my patients. But one thing my patients and I cannot control is air pollution. Air pollution plays a major role in causing and exacerbating respiratory illnesses. When Cleveland has a major air alert, the emergency room, our clinic, and our hospital fills up with these patients. They have not done anything wrong. They are just breathing bad air.

My clinical observations are backed up by a large number of peer-reviewed scientific studies that show when air pollution is bad, healthy kids get sick and sick kids get sicker. Yes, EPA's controls have improved air pollution, but people are still getting sick and dying from air pollution. Currently, over 50 percent of all Americans live in communities that have experienced at least one bad air pollution day in the past 3 years. Air pollution is still a serious health problem of the United States not just for patients with lung diseases but also heart patients. It is a source of acute heart attacks.

Fortunately, EPA programs can make a difference in air quality. The Administration is proposing a $1.6 million increase in the clean air and climate portion of the Science and Technology Program and a $7.6 million increase in the Air Research Program. The budget also proposes a $22 million increase in the clean air and climate portion of the environmental programs and management budget. These are small but very important increases in large programs. These programs include the community outreach needed to reduce air pollution in local communities, and I urge the Committee's support.

However, I am concerned by the Administration's proposal to cut the Diesel Retrofit Program. This program provides support for local communities to replace the old diesel engines in school buses, transit buses, and commuter trains with newer, more efficient en-

gines. The Diesel Retrofit Program has already yielded immediate and long-term improvements in local air quality and I urge that its funding be restored.

EPA is charged with developing and maintaining an air pollution monitoring network. The current network is inadequate. EPA needs technology upgrades that will give us more accurate and more timely air quality data. I urge the Committee to provide additional funds to expand and update the EPA monitoring system.

The American Thoracic Society is disappointed in the direction Congress has been heading on climate change. There is growing research documenting the severe adverse human health effects from climate change. Research has documented that higher concentrations in carbon dioxide and other greenhouse gases lead to changes in our global climate with profound impacts on weather, precipitation, agriculture, and human health. The ATS has a published workshop report documenting the respiratory health effects of global climate change. We urge Congress to let EPA move with policy to address climate change.

The last point I would like to make is let EPA do its job. In the past 2 years, the House of Representatives has repeatedly passed legislation that would block, weaken, or delay EPA's authority to improve our Nation's air quality. When implemented, standards like the Cross-State Air Pollution Rule, the Mercury and Air Toxics Rule, the Boiler Rule, and the Tier 3 standard will save thousands of lives by preventing heart attacks and asthma attacks. In times when healthcare costs are of great concern, the healthcare savings from these rules will far exceed the compliance costs. And yet the House has repeatedly voted to block these important air-quality rules.

I strongly urge to this committee and all the Members of the House of Representatives to refrain from extraneous policy-riders and to let the EPA do its job to protect America's health in improving our air quality.

Thank you for your consideration. We would be happy to answer any questions.

[The statement of Dorr Dearborn follows:]

STATEMENT OF THE AMERICAN THORACIC SOCIETY
DORR G. DEARBORN, PHD, MD
MARY ANN SWETLAND PROFESSOR AND CHAIR
DEPT OF ENVIRONMENTAL HEALTH SCIENCES
CASE WESTERN RESERVE UNIVERSITY, SCHOOL OF MEDICINE
CLEVELAND, OHIO

THE HOUSE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE

Tuesday April 16, 2013

RE: Fiscal Year 2014 Budget
Summary: EPA Funding Recommendations (Dollars in Millions)

Science and Technology	
Clean Air and Climate	**140.0**
Indoor Air and Radiation	**10.0**
Research	
Air, Climate and Energy	**115.0**
Environmental Program & Management	
Clean Air and Climate	**320.0**
Indoor Air and Radiation	**38.0**
EPA Budget - total	**8,600.0**

The American Thoracic Society appreciates the opportunity to testify before the House Interior and Environment Appropriations Subcommittee regarding the FY2014 budget of the Environmental Protection Agency. The Environmental Protection Agency is charged with the mission of protecting Americans from pollution in the nation's air, water and land. This is an important mission and one that deserves financial resources commensurate with the task.

I am Dorr Dearborn MD and I am the Chairman of the Department of Environmental Health Sciences and Director of the Swetland Center for Environmental Health at Case Western Reserve University (CWRU) School of Medicine. Additionally, I am a professor of Pediatrics in the pulmonary division of the Rainbow Babies and Children's Hospital of Cleveland. Today, I am speaking on behalf of the American Thoracic Society. The American Thoracic Society, founded in 1905, is an independently incorporated, international education and scientific society which focuses on respiratory and critical care medicine. The Society's members help prevent and fight respiratory disease around the globe through research, education, patient care and advocacy. The Society's long-range goal is to decrease morbidity and mortality from respiratory disorders and life-threatening acute illnesses.

As such, we have a keen interest in the impact that EPA's regulatory and enforcement actions have on respiratory health.

Nearly all lung diseases are impacted by air pollution. How well or poorly our lungs perform is contingent on the quality of the air around us, making the impact of air pollution inescapable. Air pollution remains a primary contributor to the high prevalence of respiratory diseases.

For over 100 years, the American Thoracic Society has conducted scientific, public health and educational programs to fight air pollution and to improve the quality of the air that we breathe. We remain strong supporters of the Clean Air Act and its amendments. We can attest to the significant impact that the Clean Air Act has had in improving the quality of our nation's air.

Cleaning up our nation's air is having a profound impact on public health and health expenditures. EPA recently released a report noting that the Clean Air Act yields $30 in savings for every one dollar spent to control air pollution. In 2010 the Clean Air Act prevented 160,000 premature deaths, 1.7 million asthma attacks, 86,000 emergency room visits, and 130,000 heart attacks. The EPA report builds on a similar cost benefit analysis done by the Office of Management and Budget during the Bush Administration that also showed that the Clean Air Act standards were an economic benefit for the U.S.

While the economic story of the Clean Air Act is impressive, it is the human story that matters most. Every heart attack prevented and every asthma attack averted mean less economic demands on our health care system. It also means that somebody's loved one is still alive, still healthy, and still being a productive part of the community.

The Clean Air Act has made great strides; however, much remains to be done. It is estimated that one in 10 Americans live in areas that consistently violate EPA standards for ozone and particulate matter pollution, while nearly one third of Americans live in areas that have incurred violations for short-term ozone. Research has shown that air pollution is causing the premature death of literally thousands of people each year due to complications from exposure to air pollution.

EPA and Research Funding: Air pollution has an adverse impact on the health of Americans. The good news is that, as a direct result of EPA's action, America's air is cleaner today than in previous years. The bad news is that our scientific understanding of air pollution has advanced so that we can more fully comprehend the pernicious effects of air pollution at lower levels. In addition to higher death rates for cardiovascular and respiratory diseases, research has also shed light on more subtle health effects influenced by air pollution such as lower birth weight and loss of IQ points.

Continued research on the health effects of air pollution is essential to help parents understand how air pollution may impact their children with asthma; for clinicians trying to manage patients with chronic respiratory disease; and to help guide EPA staff and the Administrator to set NAAQS standards at the appropriate level to protect public health.

In order to sustain these critical research efforts, the American Thoracic Society recommends an increase in funds for the EPA Office of Research and Development Clean Air research-related programs.

EPA and NAAQS Monitoring: In addition to establishing standards for air pollution limits, the EPA is also charged with developing and maintaining a network of monitors that measure the level of pollution in our nation's air. Unfortunately, we know the current monitoring network is inadequate. There are not enough monitors to accurately gauge air pollution associated with highways and other high traffic areas. This means that we are effectively underestimating the pollution that we are exposed to, and hence, under-appreciating the risk air pollution poses to our nation's health.

Additionally, the existing monitoring network relies on outdated technologies. With appropriate funding, a new generation of air pollution monitoring could be implemented that would improve the timeliness of air pollution monitoring and more rapidly make that information available to the public. New monitoring systems could make use of improved individual monitors and harness the power of satellite imagery and monitoring to replace the current outdated monitoring network. The American Thoracic Society strongly urges Congress to provide EPA the funds necessary to upgrade the air pollution monitoring network.

EPA and Diesel Retro Fits and Radon Program: The American Thoracic Society is concerned that the President's budget has proposed cutting the EPA diesel retro fit program by 50%. As you probably know, the program provides grants to state and local governments to upgrade diesel engines in school buses, trucks and other types of transit. By adopting the latest diesel engine technology, cities and states can significantly reduce the air pollution in their community. We are also concerned with the proposal to eliminate the radon program. We note that the President has proposed similar reduction in previous budgets, which Congress has rejected. We urge Congress to again restore the EPA diesel retro fit program and the radon program.

EPA Standard Setting – Tier 3 Standard. EPA recently issued new standards for vehicle emissions and fuel standards. This suite of rules, called the Tier 3 standard, will make dramatic improvements in air quality across the U.S. Basically, the proposed rules include two separate but related actions. The first action is to lower the allowable sulfur content in gasoline from 30 ppm to 10 ppm – creating a national fuel standard that is harmonized with the California standard. Sulfur in gasoline has two negative effects: first, it is burned and emitted as a pollutant that contributes to air pollution; second, sulfur essentially "poisons" catalytic converters – making them less efficient and requiring automatics to use pollution control technology that overcomes the sulfur content in gasoline.

Reducing sulfur in gasoline will have the immediate impact of making all vehicles emit less pollution, thereby immediately improving air pollution. EPA estimates that when fully implemented, reducing fuel sulfur content will have the effect of removing the tailpipe emissions of the 33 million vehicles from the road. The reduced tailpipe emissions will help many communities that are currently struggling to meet EPA air quality standards.

Lowering sulfur will also allow automakers to design engines and pollution control systems specifically designed to burn low sulfur gasoline. These new engines and pollution control systems will be even more effective than current systems– thus enabling future vehicles that emit even less tailpipe emissions.

The Tier 3 standard will make today's cars burn cleaner and allow tomorrow's cars to be even cleaner. We will all benefit from the Tier 3 rule.

EPA and Congress: Despite the many important steps EPA is taking to reduce air pollution and improve our nation's health, Congress seems intent on blocking EPA's efforts. The House of Representatives has repeatedly passed legislation to block, impair, or delay EPA efforts to implement health based rules under the Clean Air Act. We urge the House of Representatives to reconsider its position on EPA regulations. The American Thoracic Society strongly urges this subcommittee to refrain from adopting legislative riders in the fiscal year 2014 Interior and Environment Appropriations bill that would weaken or delay EPA's authority to implement Clean Air Act rules.

EPA and Climate Change: The ATS believe climate change is real and requires an immediate response. While still preliminary, there is sufficient research documenting the severe adverse human health effects climate change will bring. Research has demonstrated the spread of malaria to higher elevations due to rising temperatures. Research has also documented that higher concentrations of CO2, higher heat and a lengthened spring will mean more intense, prolonged, and severe pollen season for patients with pollen allergies. Higher temperatures will increase heat-related deaths in both major US cities and rural areas.

We also believe that the success of the EPA Clean Air Act holds valuable lessons for Congress and the EPA as it considers climate change. The technology used to reduce traditional pollutants like ozone and particulate matter can also be used to address greenhouse gas emissions.

The American Thoracic Society is playing an active role in addressing global climate change. In May 2010, the American Thoracic Society hosted a workshop on the respiratory health effects of global climate change. The workshop report was published in the March 15, 2012 issue of the Proceedings of the American Thoracic Society. The report provides guidance on the known and likely respiratory health effects of climate change as well as posing valuable research questions to further our understanding of how climate change is impacting human health. The American Thoracic Society is pleased to share a copy of this report with the Subcommittee.

On behalf of the American Thoracic Society, we appreciate the opportunity to comment on the FY14 budget for the Environmental Protection Agency.

Mr. SIMPSON. Thank you. We will be glad to hear that. Well, I suspect you probably would.

Mr. MORAN [continuing]. A statement myself.

Mr. SIMPSON. Yes, I thought maybe you would.

Mr. MORAN. Right on point there.

Mr. SIMPSON. Bob.

TUESDAY, APRIL 16, 2013.

UNITED WATER

WITNESS

BOB IACULLO

Mr. IACULLO. Thank you. Chairman Simpson, Ranking Member Moran, and the members of the Interior Subcommittee. Let me start by saying that we also grieve for those who were killed and injured in the Boston Marathon explosion.

My name is Bob Iacullo. I am the executive vice president for United Water, which is the second largest water services company in the United States serving a population of over 5-½ million people in 21 states, including 250,000 people in Boise, Idaho.

And I want to thank you for this opportunity to talk about the need for and the benefits of the federal policy that encourages investment in our aging water infrastructure. But the cities, towns, and communities across this country face a real major challenge in trying to replace aging and worn-out water and wastewater systems. The need to make significant investment in water and wastewater infrastructure is clearly there.

In my written testimony, I have a lot of facts and figures about the ranges of estimates of what is needed over the next 20 to 25 years. I am not going to repeat that but what I would add is that recently, the American Society of Civil Engineers released a report card on the Nation's infrastructure, and in that, they gave water and wastewater infrastructure a grade of D. And actually, that is an improvement over their grades that they gave in 2009, but it still means that there is a strong risk of failure, which is very alarming given how vital water and wastewater safe and reliable services are to the public health and building local economies.

And why did the American Society of Civil Engineers give water and wastewater infrastructure such a low grade? It is quite simply due to the lack of capital funding for investment purposes. It is estimated that in 2010 this gap between what is needed and what is being spent is about $55 billion. If the current trend continues, that will grow to over $80 billion in 2020.

The funding gap in our opinion, as well as many other professionals in the industry, could be addressed through favorable federal bonding mechanisms that would provide relatively expedient infusion of resources and create a sustainable model for infrastructure renewal and replacement. Now, one of the models, the mechanisms that we favor most is the elimination of the state volume cap on the issuance of Private Activity Bonds for water and wastewater projects.

Private Activity Bonds, or PABs as I will call them, are exempt facility bonds, a form of tax exempt financing, which encourages state and municipal governments to collaborate with sources of capital funding to meet a public need. This public-private partnership approach makes infrastructure replacement and renewals more affordable and the PABs allow private capital to cost-effectively augment or replace public debt and also shifts the risk from the municipality to the private partner.

Now, I will talk about two examples of how this has worked, particularly in one example. A few years ago, United Water had embarked on a project that was a $100 million expansion of a water treatment plant in New Jersey, Northern New Jersey. And this plant serves about a million people in Bergen and Hudson Counties. We had received a $65 million PAB allocation so we were able to issue tax-exempt financing of slightly under 5 percent, 4.95 percent to be exact. If we had gone out for taxable financing at that time, it would have been 7.62 percent. So we were able to save about 2-½ percent or 250 basis points in interest each year over the life of that $65 million bond issue.

Another example is that—and this is more recent—just at the end of last year we closed on a transaction for a 4-year public-partnership transaction with the City of Bayonne that involves a very innovative business model. What this business model will provide is $100 million investment over the 4-year period and new infrastructure for the city for their water and wastewater facility. It also provides $150 million upfront payment to the city, which they used to retire a significant amount of debt that is on their books right now, which in turn then creates more capacity for them to issue new bonds for other needed services in the city.

The $150 million upfront payment was financed with private capital with a combination of taxable debt and equity. And when the debt was issued, we did benefit from the favorable interest rate environment right now, as well as the fact that the credit quality was good because of the nature of the transaction. However, had we gone out for PABs at the time, it would have been a more favorable transaction to the residents of Bayonne either in terms of either additional upfront payment or lower rates for water and wastewater service over the life of the contract.

This business model was well-received by the rating agencies. In fact, Moody's had for the first time in 5 years affirmed the city's bond rating of Baa1 G.O. and also had an improved their credit outlook from negative to stable.

Now, a common thread of these two examples, particularly in the first one is that the tax exempt financing with the lower interest saving completely goes to the customer's benefit in terms of lower rates. The company itself does not benefit by the fact that it was able to use the less expensive financing mechanism.

Now, legislation to lift the volume cap on PABs for water and wastewater projects has maintained broad bipartisan and bicameral support. In the 112th Congress, H.R. 1802 and S.939 had garnered over 100 co-supporters in recognition of the need to make increased water infrastructure investment.

So in summary, United Water encourages the committee members to support the EPA's Environmental Financial Advisory

Board's recommendation to remove water and wastewater projects from the PAB state volume cap or perhaps initiate a 5-year PAB pilot program to help municipalities contain costs and provide much-needed access to capital. It will only be through sustainable capital investment programs that utilize both public and private resources that we can lessen the cost of water infrastructure renewal and replacement projects, minimize the number of water service disruptions to homes and businesses, stimulate the economy, and protect and preserve scarce water resources, as well as the environment.

Again, thank you for the opportunity to appear before the Committee, and I will be happy to answer any questions you may have.

[The statement of Robert Iacullo follows:]

Testimony of Mr. Robert Iacullo
Executive Vice President
United Water
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding Water and Wastewater Infrastructure
April 16, 2013

Chairman Simpson, Ranking Member Moran, and members of the Interior Subcommittee, my name is Bob Iacullo, and I am the Executive Vice President of United Water. On behalf of the Company, and the over 2,350 dedicated men and women who provide water, wastewater and other environmentally-related services to over five and one half million people in 21 states, I thank you for the opportunity to testify to the need for, and benefits of Federal policy that promotes investment in our nation's aging water infrastructure.

United Water, a wholly-owned subsidiary of Suez Environment – a leading global environmental services company with nearly 80,000 employees worldwide – is recognized for its water industry leadership which dates back to 1869. Clearly, we can provide a unique perspective to the challenges of managing, maintaining and replacing water-related infrastructure. In Boise, Idaho, for example, United Water employs close to 100 people who provide excellent water service to nearly a quarter of million residents – many of whom are represented by Chairman Simpson. With capital expenditures of over $8 million in 2012, United Water Idaho has prepared a capital improvement plan which estimates that over $82 million will be expended in a seven year period for replacement of infrastructure like water mains, service lines and meters. In its entirety, United Water has developed a five year capital program that forecasts capital expenditures of nearly $400 million between 2013 and 2018, while currently managing over $3 billion in total assets.

Access to (low cost) capital means that the billions of dollars of the nation's water-related infrastructure can be better managed and maintained. The American Water Works Association estimates that by lowering the cost of borrowing by 2.5% on a 30 year loan, total project costs can be reduced by more than 26%. While we are endorsing private entity access to the low interest bond market, it is ultimately the 70 million consumers whose systems have access to the bonds that benefit. The need is clear.

Cities, towns and communities across the nation face major challenges over the next 20 years to replace aging and worn out water and wastewater systems, which are vital to maintaining public health and building local economies. Capital investment for such projects will be difficult as many states and local governments face budget deficits, revenue shortfalls and opposition to new taxes. The US Environmental Protection Agency (EPA) and the Government Accountability Office predict an investment-funding gap of more than $635 billion for upgrades and repairs to public water and wastewater systems, many of which have been in place for 50 to 100 years.

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In its most recent reports to Congress, the EPA identifies unmet investment needs for water and wastewater infrastructure, which threaten safe drinking water and clean watersheds, in almost every state including the following:

Idaho - $1.4 billion (wastewater only)

California - $68 billion

New York - $55.7 billion

Ohio - $25.7 billion

Washington - $14.4 billion

Virginia – $12.9 billion

More alarming is the 2010 report by U.S. Conference of Mayors, whose members manage many of the nation's water and wastewater systems, predicting future spending for public water and wastewater systems will range between $2.5 trillion and $4.8 trillion over the next twenty-year period. Projected spending is almost double the $1.6 trillion local governments have invested in the past 53 years.

State and Local governments, confronted with the need to replace obsolete assets and build new facilities while facing ever-increasing federal regulatory standards, need every financing tool available to upgrade and maintain water and wastewater systems.

So how do we address the environmental and economic needs of our nation, in the most effective and efficient manner? It is the professional opinion of many of the companies, organizations and associations that make up the water sector, that private capital generated through favorable Federal bonding mechanisms would provide the relatively expedient infusion of resources to initiate a sustainable model of infrastructure renewal and replacement.

One of the models which was introduced in the 112th Congress, and reintroduced in the 113th Congress and awaits full Senate approval is the Water Infrastructure Finance and Innovation Act of 2013, or "WIFIA". Modeled after the successful transportation program known as TIFIA,

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Title X of the Water Resources Development Act of 2013 offers a modern effective way to increase investment in water-related infrastructure at the lowest possible cost to the Federal government. The proposed EPA administered program would make $250 million in low-interest Treasury bonds available, in equal allotments of $50 million per year over five years: 2014 through 2018. WIFIA's focus on large water projects and public-private partnerships is to be applauded, as these projects will leverage a percentage of private investment. These types of projects often lack access to other funding. However, because of the current limited nature of WIFIA, we look to other mechanisms to draw upon to incent investment.

The other favored investment model is the elimination of the volume cap on the issuance of Private Activity Bonds for water and wastewater projects. Private Activity Bonds, or "PABs" are exempt facility bonds, a form of tax-exempt financing that encourages state and municipal governments to collaborate with sources of private capital to meet a public need. The public private partnership approach makes infrastructure repair and construction more affordable for municipalities and ultimately for users or customers. PABs allow private capital to cost effectively replace or augment the use of public debt while shifting risk from the municipality to the private partner.

As an example, late last year United Water closed a 40-year PPP transaction involving an innovative business model (we call "SOLUTION") which included a commitment to invest over $100M in new infrastructure over the contract term as well as a $150M upfront payment to the City of Bayonne's Municipal Utilities Authority (MUA). The upfront payment was financed with private capital – a combination of **taxable** debt and equity - most of which was used by the MUA to retire its outstanding debt. Since the transaction closed, Moody's has already affirmed the City of Bayonne's Baa1 G.O. rating and improved the credit outlook from negative to stable. This has effectively increased capacity on the City's balance sheet to issue new debt to meet other needs. Although benefitting from the current interest rate environment and credit quality brought by the transaction structure, the City's situation could have been further improved if a portion of the upfront payment could have been financed with **tax-exempt debt using PABs** instead of **taxable debt**. Moreover, if there is a need to finance capital investments beyond those already built into the contract, the City could benefit from continued access to tax-exempt debt through the use of PABs in the future.

As another example that illustrates the benefit that PABs provide, we can turn to one of United Water's projects in its Regulated Business (where the company both owns and operates the assets and is under the jurisdiction of a State Public Utility Commission): the $100 million expansion of the Haworth, New Jersey water treatment facility. The Haworth Water Treatment

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Plant serves approximately one million people between Bergen and Hudson counties in northern New Jersey. United Water received a $65 million PAB allocation (volume cap) at a (tax exempt) interest rate of 4.95%, compared to a conventional (taxable) rate of 7.62%. In this specific example, PABs ultimately will provide customers with a better than 2.5% interest savings on the $65 million face amount.

Legislation to lift the volume cap on PABs for water and wastewater projects has maintained broad bipartisan and bicameral support. In the 112th Congress, H.R. 1802 and S.939 garnered over 100 co-sponsors in recognition of the need for an increase in water infrastructure investment. The General Accounting Office estimated that the shortfall in water infrastructure investment would reach $500 billion in the next 20 years. Consequently, elimination of the volume cap on PABs would generate an estimated $5 billion annually in private capital, and 150,000 jobs, also on an annual basis.

In summary, United Water endorses the development of a WIFIA program for larger projects and aging infrastructure. Moreover, we encourage Committee Members to support the EPA Environmental Financial Advisory Board's recommendation to remove water and wastewater projects from the PAB state volume cap, or perhaps a 5-year PAB pilot program, to help municipalities contain costs and provide much needed access to capital. It will only be through sustainable capital investment programs that utilize both public and private resources that we can lessen the cost of water infrastructure renewal and replacement projects, and their fiscal effect on customers and constituents; minimize the number of water service interruptions on homes and businesses; stimulate the economy; and protect and preserve scarce water resources. Thank you again for the opportunity to appear before your committee. At the pleasure of the Chair, I would be glad to answer any questions the Committee has at this time.

Mr. SIMPSON. Thank you. Thank all of you for your testimony.

Financing water infrastructure in this country is a huge problem. We had a hearing earlier this year on it in this subcommittee. I think the backlog was something like $700 billion. And we throw a couple billion dollars at it a year. It means in 350 years we can address the backlog that currently exists.

Mr. IACULLO. Yes.

Mr. SIMPSON. We have got to find a different way to finance it and we have got to start thinking outside the box. I do not have the answer to it but I understand the President's budget proposes to eliminate the cap on Private Activity Bonds. Unfortunately, it is not in our jurisdiction; it is in PNI's jurisdiction, but we can work with them and see what we can do.

Mr. IACULLO. That is good to hear.

Mr. SIMPSON. I appreciate all of your testimony, and certainly we all want the EPA to do their job. We have differences of opinion about what that job is. Thank you.

Mr. IACULLO. Thank you.

Mr. SIMPSON. Next panel is Florentino Gregorio. Is that close?

Mr. GREGORIO. That is very good.

Mr. SIMPSON. Okay. Teresa Marks and Matthew Millea.

Mr. SIMPSON. Florentino, the floor is yours.

TUESDAY, APRIL 16, 2013.

NATIONAL UTILITY CONTRACTORS ASSOCIATION

WITNESS

FLORENTINO GREGORIO

Mr. GREGORIO. Good morning. Thank you.

Chairman Simpson and all the subcommittee members who are not here but have got the staff support, I am Florentino Gregorio, the chairman of National Utility Contractors Association and also the president of a local construction company called Anchor Construction.

NUCA is the Nation's oldest and largest trade association representing utility and excavating contractors. NUCA is a family of nearly 1,300 companies from across the Nation that build, repair, and maintain underground water, wastewater, gas, electric, and telecommunications systems. I am a first-generation U.S. citizen and have grown my company Anchor from four to a couple hundred people. Unfortunately, the recession has cost our members thousands of jobs across the country.

NUCA commends the Subcommittee for holding this hearing and it is my pleasure to give you a firsthand account of the infrastructure needs of this country. We need Washington, D.C., to see the shortfalls of our crumbling infrastructure. Anchor crews are actually not that far from the capital right here today working on some of the utility infrastructure around.

Unfortunately, because of budgetary restraints, most states, including the District of Columbia, have been unable to adequately fund water infrastructure projects and maintenance. I understand that water infrastructure is not the most politically prosperous

topic for lawmakers, but I also understand that water infrastructure could be politically devastating for lawmakers who do nothing to prevent it from failing.

Most people do not think twice about utility infrastructures until there is a problem. For example, and this is just around this area, over the last month a water main broke on Connecticut Avenue shutting down the road in the morning of rush hour or a sewer line that was leaking into the waterways of Rock Creek Park, and many other ones that are happening all the time. These types of problems will increase in frequency without more funding for fixes before they break. Any activity or work we do at home, in office, or recreation relies on our utility infrastructure.

By the way, from the aspects of infrastructure that we take for granted, there is one thing that this country needs to understand now more than ever about infrastructure. It also creates jobs. The Clean Water Council released an economic impact study on the job creation and economic benefits that come with water and wastewater infrastructure projects. This study was released in 2009 called "Sudden Impact: An Assessment of Short-Term Economic Impacts of Water and Wastewater Construction Projects in the United States." It takes a comprehensive look at 116 water and wastewater infrastructure projects in 5 states and 73 counties.

Sudden Impact quantifies what we already know. Investment in underground environmental infrastructure projects result in significant construction job creation, as well as jobs outside of the construction industry. The economic benefits that come with funding water infrastructure are not limited to job creation such as national output, personal spending. State and tax bases also increase.

So the Sudden Impact found that investing $1 billion could create approximately 27,000 jobs. The average earning within the construction sector were found to be more than $50,000 a year, and half of those jobs are outside of the water and wastewater construction illustrating a broad reach and investment in this infrastructure. So for a billion-dollar investment, the infrastructure gets fixed and about another $150 million is directly—economic growth occurs. You know, it goes out to the economy.

Further, funding water infrastructure projects will have an immediate effect on jobs in the economy. The construction industry still faces an unemployment rate of around 17 percent, and that is a really high rate during a recovery. Putting them to work will not only pay dividends once the infrastructure projects are completed and businesses are able to grow as a result of utilizing a new and updated system, growing those businesses will have a positive ripple affect stimulating for economic growth. The message behind these statistics is clear: investment in water and wastewater infrastructure projects is an investment in an American asset. It creates countless American jobs in hundreds of American industries.

In conclusion, America cannot function without environmental infrastructure. And this is necessary for the public health and good business. It connects nearly everything we do on a daily basis and is a precondition for economic renewal and growth. That is why NUCA strongly supports continued investment in the EPA's water and drinking water state revolving fund program.

There are other several funding mechanisms that are being considered, including the NIFA proposal, the Infrastructure Fund Proposal, Infrastructure Bank, the Private Activity Bonds, and other things. We support these ideas as part of a long-term solution. SRF program works well as a workhorse to get projects built. We need to increase SRF funding, not the other way like it is proposed in there right now.

Thank you for the opportunity to submit this testimony before the subcommittee here, and it is important that we keep investing in infrastructure.

[The statement of Florentino Gregorio follows:]

Written Statement
of Florentino Gregorio on behalf of

National Utility Contractors Association

before the

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

addressing

"Putting America Back to Work Through Water
Infrastructure Investment"

April 16, 2013

Chairman Simpson, Ranking Member Moran, and Honorable Members of the Subcommittee, the National Utility Contractors Association (NUCA) appreciates the opportunity to submit written testimony regarding job creation and economic benefits that come with investment in water infrastructure. NUCA is a family of nearly 1,300 companies from across the nation that build, repair and maintain underground water, wastewater, gas, electric and telecommunications systems.

NUCA also serves as chair of the Clean Water Council (CWC), a coalition of 34 national organizations representing underground construction contractors, design professionals, manufacturers and suppliers, labor representatives and others committed to ensuring a high quality of life through sound environmental infrastructure. These industries work collectively to improve critical underground systems that unquestionably enhance America's quality of life.

NUCA commends you for your efforts to make investments in water and sewer but more is urgently needed. The American Society of Civil Engineers' Report Card on American Infrastructure rated both drinking water and wastewater a D in its assessment. The 2013 Report Card, released in March, reported that clean water infrastructure alone will require a 20 year, $333.8 billion investment to bring the nation's clean water infrastructure to standard.

CONSTRUCTION CONTINUES TO FACE STEEP UNEMPLOYMENT

The water infrastructure market has gone from bad to worse in recent years. In addition to relatively stagnant levels of federal funding to refurbish these systems, state and local budgets have been hit hard because of the downturn in the housing market, which in turn has lowered revenues from property taxes. The most recent job-loss numbers released by the U.S. Department of Labor's Bureau of Labor Statistics for March reports that the unemployment rate in construction is currently at 15.8 percent—entering the fifth year of double digit unemployment.

The high cost of infrastructure projects has, in the economic downturn, caused states and communities to forgo infrastructure projects regardless of need. Federal programs that support infrastructure projects have been reduced or not kept pace with inflation. The inevitable result is less work on this deteriorating infrastructure and fewer jobs for those who do this critical work. By neglecting this fundamental infrastructure, we're not just turning our back on public health and environmental protection. We're also missing huge opportunities to put Americans in a broad range of industries back to work. In addition, further delaying these projects only increases the scope of the need required and the cost to taxpayers.

ECONOMIC BENEFITS OF INFRASTRUCTURE INVESTMENT

Underground water and wastewater projects are generally recognized for their effectiveness in enhancing public health and environmental protection. Often overlooked, however, are the *economic* benefits that result from this work. It is not an exaggeration to say that clean water projects go hand-in-hand with a healthy economy by creating jobs, expanding the local tax base and generating business and community development.

Federal investment has a proven effect of creating tens of thousands of quality, high-paying jobs. Importantly, the job creation and increased economic activity that comes with federal and state funding enhances local economies and provides disadvantaged communities with opportunities to revitalize, and grow.

Three important types of short-term economic impacts stem from water and wastewater infrastructure projects. There are:

- **Direct effects:** The output, jobs, and income that are directly related to the construction of the project.

- **Indirect effects:** The additional output, jobs, and incomes for suppliers and vendors indirectly related to the construction project. These reflect the broader impacts in the community such as expanding business among local vendors and suppliers, and the ability to attract new business and development to the project site upon completion of the project.

- **Induced effects:** The expansion of local commercial business as a result of residual economic development, income, and tax revenue from the completion of the projects made possible by the completion of water infrastructure work.

***SUDDEN IMPACT* OF FUNDING WATER INFRASTRUCTURE PROJECTS**

The Clean Water Council released an economic impact study on the job creation and economic benefits that come with water and wastewater infrastructure projects. *Sudden Impact: an Assessment of Short-Term Economic Impacts of Water and Wastewater Construction Projects in the United States* takes a comprehensive look at 116 water and wastewater infrastructure projects in five states and 73 counties conducted in 2006 and 2007. The study has been sent to all House and Senate offices and is referred to in advocacy efforts conducted by the CWC to educate policymakers, media, industry and the general public. Copies of the study in print and/or electronic format are available to members of the subcommittee upon request (or can be found at www.cleanwatercouncil.org)

The study provides fresh answers to a number of important questions, and hard data to back them up. How many jobs are created by a typical water or sewer construction project? What are these jobs? How much do they pay? How much additional income accrues because vendors and suppliers experience greater demand for their services? To what extent do benefits—such as jobs, personal income, capital expenditures—impact local economies? Though the specific numbers are likely no longer accurate since the study was implemented, the overall conclusion has simply become more apparent.

Sudden Impact quantifies what we already know; that indeed, investment in underground environmental infrastructure projects results in significant job creation. Jobs are created in scores of industry sectors outside of construction, and the economic benefits that come with funding water infrastructure are not limited to job creation. Significant impacts on national output, personal spending, and state and local tax bases also transpire.

JOB CREATION AND THE "RIPPLE EFFECT"

The CWC evaluated the total effect of a $1 billion investment in water and/or wastewater infrastructure in terms of job creation and other important economic factors. *Sudden Impact* found that every $1 billion could create approximately 27,000 jobs. The average annual earnings within the pipe construction sector were found to be more than $50,000, and about one-half of these jobs are in industries outside of water and wastewater construction, illustrating the broad reach of investment in this infrastructure.

The "ripple effect" of economic activity that comes with construction projects cannot be understated. Investment in water and wastewater infrastructure projects can generate measurable employment in 325 other standard industry classifications in addition to the immediate construction jobs. Industries such as food services, real estate, health eare, automotive repair and maintenance, legal services, retail sales, insurance, amusement and recreation, and various other industry sectors benefit when these projects get off the ground. The ripple effect on economic demand amounts to approximately $950 million per $1 billion invested; a huge return on investment for the federal government.

The total effect of a $1 billion investment almost triples national output to an estimated $2.87 to $3.46 billion in economic demand for goods and services from other industries such as engineering, manufacturing, distribution and supply. Investment in underground environmental infrastructure also generates approximately $1.06 billion in personal (household) spending.

Importantly, the study reports that approximately $82.4 million is generated for state and local tax bases with every $1 billion invested in these projects. At a time when state and local governments continue to scramble to balance budgets, the need to expand local tax bases is greater now than ever.

The message behind these statistics is clear: investment in water and wastewater infrastructure projects is investment in an American asset, creating countless American jobs in hundreds of American industries, generating state and local tax revenue, and turning out considerable fiscal activity through local economies while rebuilding critical infrastructure the country desperately requires.

The infrastructure needed to provide for safe drinking water and effective wastewater treatment are fundamental considerations that encourage expanded investment, but think about the economic importance of clean and safe drinking water itself. A community and indeed, an effective society cannot do so without either. Clean water enhances individual productivity in countless ways and is undisputed. However, in times of economic difficulty, the funding of construction projects is therefore an effective way to stimulate growth and development far beyond the construction industry.

CONCLUSION

America can't function without environmental infrastructure. It's necessary for public health and good for business. It connects nearly everything we do on a daily basis, and is a precondition for economic renewal and growth. Investment in this infrastructure creates jobs here—these jobs cannot be outsources overseas.

NUCA strongly supports continued investment in the EPA's clean water and drinking water state revolving loan fund program.

Thank you for the opportunity to submit testimony before the subcommittee, and NUCA is available to answer any questions or provide any further information you require.

Mr. SIMPSON. Thank you.
Mr. GREGORIO. Thank you.
Mr. SIMPSON. Teresa.

TUESDAY, APRIL 16, 2013.

ENVIRONMENTAL COUNCIL OF THE STATES

WITNESS

TERESA MARKS

Ms. MARKS. Good morning, Chairman Simpson. And I appreciate the fact that you and the subcommittee members have invited us here to testify today on these very important issues. I am Teresa Marks. I am the director of the Arkansas Department of Environmental Quality and I am testifying today as president of the Environmental Council of the States on behalf of the state and territorial environmental commissioners who make up its membership. My comments address the fiscal year 2014 appropriations for EPA, and more specifically, those that are the State and Tribal Assistance Grants.

The states are co-regulators, as you know, with EPA in the implementation of the Nation's environmental laws. The U.S. Congress included provisions in most of the major federal environmental statutes such as the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act for states to assume authority over federal programs under the oversight of the EPA and to provide assistance to states to operate these federal programs. A state match is usually required under these statutes and states now, through general operating funds, fees, and other means, provide well over half of the funds needed to operate federal programs.

In addition, states operate their own programs that address state-specific needs. These state programs are driven by state laws, and although they do not require federal funds, they contribute significantly to the public health and environmental quality of the Nation and may directly or indirectly support the federal programs.

Congress provides assistance to states primarily through State and Tribal Assistance Grants, which are commonly referred to as STAG, which are in part composed of two programs: Categorical Grants, which primarily assist states with the operation of delegated programs; and the Clean Water and Drinking Water State Revolving Infrastructure Funds, which you have heard much about today, that are administered by states but used primarily by local governments.

The core environmental protection activities required by federal and state law include permitting, inspections, enforcement, monitoring, standard-setting, site cleanup, and more. The states' role is paramount in these activities. It is estimated that states conduct 97 percent of the inspections and regulated facilities, provide 94 percent of the data in EPA's six major databases, and conduct over 90 percent of all enforcement actions.

While Congress has enacted a fiscal year 2013 budget, states are still waiting to learn what the individual Cat Grant levels will be.

Therefore, in my remarks to you today, I will use fiscal year 2012 as a basis for comparison.

Our Nation's environmental laws are based on the principle of cooperative federalism under which EPA and states work together to protect human health and the environment. Since 2000, ECOS has affirmed the belief that early, meaningful, and substantial state involvement in the development and implementation of EPA's work is important to ensure a productive and efficient working relationship. Continued attention to this joint governance model is vital moving forward.

On average, federal funding is estimated to be less than ¼ of the overall cost of environmental program operation in the states. State environmental agencies seek alternate program funding support through user fees, state general funds, and other means to support program implementation. While state funds and user fees are important, the Categorical Grant funds remain an essential resource to meet congressional requirements for protecting public health and the environment.

Resource needs for new and expanding workloads in air, water, and waste programs cause increasing concerns for state regulators. For example, in water there is an increased focus on the reduction of nitrogen and phosphorus pollution, including nonpoint sources. There has been an expansion of the National Pollutant Discharge Elimination System Program Universe as new sources are added. In addition, drinking water requirements that must be implemented can be extremely costly, particularly to those small water systems that make up the vast majority of water systems in the United States.

While the 19 Categorical Grants are an essential resource, enacted levels for these resources have declined over the past 10 years. From 2003 to 2012, levels of funding for Categorical Grants dropped by $54 million. Of the 19 Categorical Grants in fiscal year 2012, five grants represent 78 percent of the total funding. These top five grants provide core support for the majority of state-delegated efforts, including standards setting, permitting, inspections, enforcement, monitoring, and support of state and national databases. The remaining grants provide important resources in areas such as underground injection control, underground storage tanks, pesticides, and brownfield programs.

Many states have faced this declined in federal funding support while also dealing with their own budget reductions, resulting in hiring freezes, furloughs, layoffs, and other budget-reduction measures. States also face fee fatigue from the regulated community and local legislatures as a result of efforts to seek additional funding.

The fiscal year 2014 President's budget for EPA proposes 1.136 billion for Categorical Grants, an increase of $47 million over the 2012 enacted level. Categorical Grants support our core programs and are necessary for continuation of environmental protection in your states. We seek your support for this funding.

States and EPA agree there is tremendous value to be gained in jointly pursuing an initiative grounded on the open and transparent exchange of information and data, which we refer to as E-Enterprise for the Environment. The states and EPA jointly acknowledge that its success is dependent upon the development of

a shared government structure that embraces cooperative federalism, delegation, and effective EPA-state collaboration while working within a limited amount of resources currently available to further this effort.

Since August 2012, states and EPA have worked to define the scope of E-Enterprise and to determine how to work together on this large, complex, multiyear effort. States and EPA need to respect state-delegated authorities, including data access, and conversations need to continue about how to collect only data that is truly needed as each data point has a cost to the generator to produce as well as to the recipient to manage. Basically, the states' position is that we should use a business model in this area. In other words, if you do not need it, do not ask for it.

While issues remain, states believe this effort holds significant promise and have committed to working with EPA. States seek your support for funding in STAG for this jointly managed effort. States and EPA have been working to address unexpended appropriations which are comprised of both unobligated and obligated funds and oppose any rescissions of these funds, as has recently happened. States respectfully request that if Congress funds, there is a need to continue to resend unobligated funds from the STAG account of EPA's budget, that no funds less than 3 years old be targeted.

States appreciate your time and consideration of our concerns and I will be happy to answer any questions I can. Thank you.

[The statement of Teresa Marks follows:]

Testimony of Teresa Marks, Director, Arkansas Department of Environmental Quality and President, Environmental Council of the States (ECOS) before the U.S. House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies, April 16, 2013

I am Teresa Marks, Director, Arkansas Department of Environmental Quality, testifying as President on behalf of the members of the Environmental Council of the States (ECOS) on the FY14 budget for the U.S. Environmental Protection Agency (EPA). My comments address appropriations for the State and Tribal Assistance Grants (STAG) which includes in part 19 Categorical Grants, the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and other programs. The FY 2014 President's budget request for EPA is $8.15 billion and for STAG is $3.15 billion.

The states are co-regulators with EPA in the implementation of the nation's environmental laws. The U.S. Congress included provisions in most of the major federal environmental statutes -- the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) -- for states to assume authority over the federal programs under the oversight of the EPA and to provide assistance to states to operate these federal programs. A state match is usually required under these statutes, and states -- through general operating funds, fees, and other means -- now provide well over half (in many states, three-quarters) of the funds needed to operate federal programs. States also operate their own programs that address state-specific needs. These state programs, driven by state laws, do not require federal funds but contribute significantly to the public health and environmental quality of the nation and may indirectly support the federal programs. States are on the frontline for protecting the environment, saving lives, and ensuring businesses thrive.

Congress provides assistance to states primarily through State and Tribal Assistance Grants (STAG), which are in part composed of two programs: 24 Categorical Grants (which primarily assists states with the operation of delegated programs) and the CWSRF and DWSRF Infrastructure Funds (which are administered by states and used primarily by local governments).

The core environmental protection activities required by federal (and state) law include permitting, inspections, enforcement, monitoring, standard setting, site cleanup and more. For example, it is estimated that states: conduct 97% of the inspections at regulated facilities; provide 94% of the data in EPA's six major databases; and conduct over 90% of all enforcement actions.

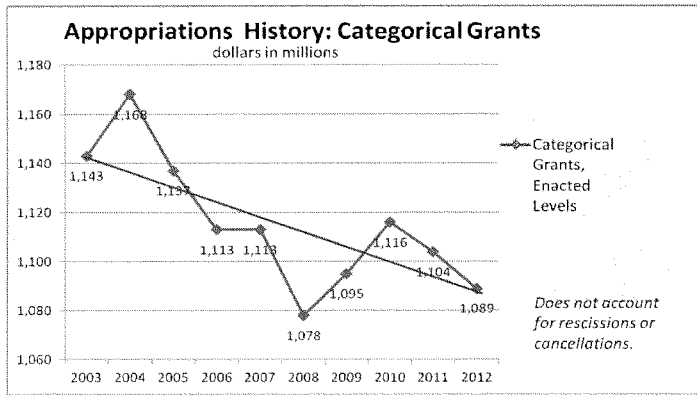
While Congress has enacted an FY13 budget, states are still waiting to learn what the individual FY13 Categorical Grant levels will be. In late April, EPA is scheduled to submit its operating plan to Congress which will then have a month to reply. States understand that sequestration cuts will be applied following establishment of this plan. Following this, headquarters will inform the regions who will then inform the states of the final FY13 grant allocations. As such, in my remarks to you today, I will use FY12 as a basis for comparison.

Cooperative Federalism -- Our nation's environmental laws are based on the principle of cooperative federalism under which EPA and the states work together cooperatively to protect human health and the environment.

Since 2000, ECOS has affirmed the belief that early, meaningful, and substantial state involvement in the development and implementation of EPA's work is important to ensure a productive and efficient working relationship. Continued attention to this joint governance model is vital moving forward.

Importance of Funding for Categorical Grants -- On average, federal funding is estimated to be less than one-quarter of the overall cost of program operation. State environmental agencies seek alternate program funding support through user fees, state general funds, and other means to support program implementation. While state funds and user fees are important, the Categorical Grants funds remain an essential resource to meet congressional requirements for protecting public health and the environment.

Resource needs for continued, new and expanded workload in air, water, and waste programs have been documented in various reports.[1] For example, in water, these include: 1) increased focus on the reduction of nitrogen and phosphorus pollution, including nonpoint sources *(Nonpoint Source – Section 319 – grant)*; 2) expansion of the National Pollutant Discharge



[1] "Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies, April 2009, NACAA, http://www.4cleanair.org/Documents/Reportneedssurvey042709.pdf; "Drinking Water Infrastructure Needs Survey and Assessment," 2007, Fourth Report to Congress, EPA, http://water.epa.gov/infrastructure/drinkingwater/dwns/upload/2009_03_26_needssurvey_2007_report_needssurvey_2007.pdf; State Water Quality Management Resource Analysis, 2002, State Water Quality Management Resource Analysis Task Force, http://www.ecos.org/files/4238_file_Interim_Report_4_02.pdf; Clean Watersheds Needs Survey 2008, Report to Congress, EPA, http://water.epa.gov/scitech/datait/databases/cwns/upload/cwns2008rtc.pdf; State RCRA Subtitle C Core Hazardous Waste Management Program Implementation Costs - Final Report, January 2007, ASTSWMO, http://www.astswmo.org/Files/Policies_and_Publications/Hazardous_Waste/Final%20Report%20-%20RCRA%20Subtitle%20C%20Core%20Project.pdf

Elimination System (NPDES) program universe as new sources are added as a result of litigation or new regulations including municipal stormwater, construction stormwater, industrial stormwater, concentrated animal feeding operations, and vessel discharges *(Pollution Control – Section 106 – grant)*; 3) drinking water requirements that must be implemented at predominantly small water systems - those serving fewer than 10,000 people that make up the vast majority of water systems. It is important for states to continually shore up the technical, managerial, and financial capacity of many water systems [*Public Water System Supervision - PWSS – grant; DWSRF set-asides (for a variety of state tasks including DWSRF administrative support)].*

While the 19 Categorical Grants are an essential resource, enacted levels for this resource have declined over the past ten years as shown in the chart above[2]. In 2003, Categorical Grants were funded at $1.143 billion. In 2012, Categorical Grants were funded at $1.089 billion, $54 million less than ten years before.

Of the 19 Categorical Grants, in FY12, five grants represent 78% of the total funding. These top five grants provide core support for the majority of state-delegated efforts, including standards setting, permitting, inspeetions, enforcement, monitoring, and support of state and national databases. The remaining grants provide important resources in areas such as underground injection control, underground storage tanks, pesticides, brownfields, wetland program development, beaches protection, and environmental information. The largest five grants in order of funding with required state cost share are as follows:

Grant	FY12 Enacted	% State Cost Share
Pollution Control (Section 106)	$238 million	Maintenance of Effort (MOE)[3]
State and Local Air Quality Management (CAA Section 103, 105, and 106)	$236 million	CAA Section 105 grants require 40% match plus Maintenance of Effort (MOE)
Nonpoint Source (Section 319)	$164 million	40%
Public Water System Supervision (PWSS)	$105 million	25%
Hazardous Waste Financial Assistance	$103 million	25%

Many states have faced this declining federal funding support while also dealing with their own budget reductions resulting in hiring freezes, furloughs, lay-offs, and other budget reduction measures. States also face "fee fatigue" from their regulated community and local legislatures as a result of efforts to seek additional funding.

The FY14 President's Budget request for EPA proposes $1.136 billion for Categorical Grants, an increase of $47 million over 2012 enacted level. States seek your support for this funding level.

Advancing Information and Data Exchange -- States and EPA continue to discuss ways to make the national environmental protection system more accessible, effective, and efficient by enabling state and federal regulators, regulated entities, and the public to take advantage of advances in monitoring, reporting, and information technology.

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[2] Source: FY13 Budget in Brief, EPA, http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P100DRB5.txt

[3] For recurrent programs, MOE is equal to state and interstates' 1971 expenditures.

States and EPA agree there is tremendous value to be gained in jointly pursuing an initiative, E-Enterprise for the Environment, grounded on the open and transparent exchange of information and data. The states and EPA jointly acknowledge that its success is dependent upon the development of a shared governance structure that embraces cooperative federalism, delegation, and effective EPA/state collaboration, while working within the limited amount of resources currently available to further this effort.

Since August 2012, states and EPA have worked to define the scope of E-Enterprise and to determine how to work together on this large, complex, multi-year effort. States and EPA need to respect state delegated authorities including data access and to consider integration of existing state systems. Additionally, conversations need to continue about how to collect only data this is truly needed as each data point has a cost to the generator to produce as well as to the recipient to manage. While issues remain, states believe this effort holds significant promise and have committed to working with EPA.

For this jointly managed effort, states in principle support funding in the FY14 President's Budget request, support meaningful joint budget planning and priority setting, and oppose set-asides of Categorical Grant funds.

Unexpended Appropriations -- States and EPA have been working to address unexpended appropriations, which are comprised of both unobligated and obligated funds.

- Effective October 1, 2010, EPA issued Grants Policy Issuance (GPI) 11-01, "Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements." For STAG or Leaking Underground Storage Tank appropriations, EPA proposed the total project period would not exceed 5 years. For SRF and State Superfund Cooperative Agreement Program awards, the total project period would not exceed 7 years unless a longer period is authorized by statute or regulation.
- Effective October 1, 2012, EPA issued Grants Policy Issuance (GPI) 12-06 "Timely Obligation, Award and Expenditure of EPA Grant Funds." This policy seeks to streamline grant processes and improve grant outlay rates.

In the FY13 enacted budget, Congress rescinded $50 million from unobligated balances in STAG grants, including $5 million from Categorical Grants. Congress did not stipulate rescission of obligated balances which have been committed. However, by rescinding unobligated balances, Congress may be rescinding money that no state ever had a chance to spend as it may never have been awarded.

States oppose rescissions of either unobligated or obligated STAG funds. Through the two policies described above, states and EPA have worked together to streamline grant processes to expedite timely grant awards by EPA and timely expenditure of funds by states.

States respectfully request that if Congress continues to rescind unobligated funds from the STAG account of EPA's budget, that no funds less than three years old be targeted. For instance, FY13 appropriations would be considered year zero money, FY12 appropriations would be considered year one money, and FY11 appropriations considered year two money. If Congress continued to direct such, rescissions would be of FY10 or older funds.

Mr. SIMPSON. Thank you. Matthew.

TUESDAY, APRIL 16, 2013.

WATER ENVIRONMENT FEDERATION

WITNESS

MATTHEW MILLEA

Mr. MILLEA. Thank you, Mr. Chairman. Thank you for the invitation to be here today. I think you have heard a lot of the technical points that are in my written testimony. I am representing the Water Environment Federation today, which is a 36,000 strong member organization of water professionals and utility managers. I am also here as a deputy county executive from Onondaga County, New York, of Syracuse. I am joined by County Legislator Mike Plochocki, who serves as the Chairman of the Environmental Protection Committee within our legislature. So I welcome him as well.

Thank you for the opportunity to present. I ask of the sentiments of our previous speakers on many of the technical points they raise. And I really want to focus on the clean water, the SRF programs with you and briefly on the National Water Quality Assessment Program.

Prior to joining Onondaga County, I was the state's acting president of their SRF administration, the Environmental Facilities Corporation, and I had the honor to serve in that role during the federal stimulus rollout in 2009. New York State received upwards of $500 million from the federal stimulus program for clean water and drinking water infrastructure, and it was a very important and pivotal time, I believe, in the SRF history. It is the first time since 1990 that Congress had authorized states to provide direct grants for water infrastructure. Since 1986 amendments to the Clean Water Act, we were restricted to strictly loans. I think it is a very important innovation that Congress enacted in 2009 and something I will encourage Congress to continue in going forward.

Flexibility within the SRF gives states the ability on an individual basis to decide what works best in their jurisdiction. And WEF and myself as a former SRF administrator believe that the SRF should come first in the funding strategy. As you said, it may be very hard to address the billion dollars at a time, but the SRF is tremendously successful. The innovations that we had in 2009 have been very helpful with principal forgiveness, grants, and guarantees. Those should be continued and I believe expanded.

The Green Reserve in New York State, with the Green Reserve, we set aside a portion of our federal stimulus grant specifically for green projects, and we are now in our fourth round of green funding. So I think what was enacted there has proven to continue on and delivered fantastic results.

In Onondaga County, we are advancing an aggressive green infrastructure program along with a great infrastructure CSL abatement program, and we have benefited from direct SRF assistance for our green infrastructure components. So I think it is very important for me as the vice chairman of the WEF Legislative Affairs

Committee to stress a clean water SRF-first strategy, a drinking water SRF-first strategy. Those should be funded at 2012 levels. Those were historically high levels and they should be sustained. And then we would ask respectfully that Congress pursue WIFIA as an additional strategy for states to use, particularly for large, regional projects above $20 million.

Last week, I was invited to go speak in Pittsburgh where they are dealing with a CSO issue very similar to what we are struggling with in Syracuse. Ultimately, it may cost $3.7 billion for them to comply with the Clean Water Act. Syracuse is spending north of $600 million. WIFIA will provide a backstop for the states. If we work through the SRF system and access WIFIA through the SRF, we can partner with the states and use WIFIA as an opportunity to bring federal funding to large projects and preserve the capital within the SRF for smaller projects, particularly for hardship communities that made the direct assistance at zero percent loans. So WIFIA will be an additional tool in the toolbox and we feel very strongly it should not compete with the SRF. It should support backstop the SRF.

And then finally, the National Water Quality Assessment Program I believe is under the jurisdiction of this committee and we would respectfully request funding at the 2010 level of $66.5 million. The National Water Quality Assessment Program fits in, we believe, with the grander infrastructure financing scheme by providing the scientific data that we needed to show that the investments that we are making in our water infrastructure are producing significant water quality results.

And we hear all the time from EPA that science will drive decision-making. As a member of the regulated community that constantly sees rules ratcheted up and limits ratcheted down and expensive projects increasing and costs because limits are changing, we believe very strongly that the National Water Quality Assessment Program helps to make the scientific argument on the effectiveness of the investments that we are making.

I thank you for your time.

[The statement of Matthew J. Millea follows:]

Support for Clean Water Appropriations
Testimony of Matthew J. Millea
Deputy County Executive for Physical Services, Onondaga County, NY
representing the Water Environment Federation
Interior and Environment Subcommittee, Committee on Appropriations
U.S. House of Representatives
April 16, 2013

Good morning, Chairman Simpson and Subcommittee Members. My name is Matt Millea, and I am Deputy County Executive for Physical Services in Onondaga County, New York. I also serve as Vice Chair of the Water Environment Federation (WEF) Government Affairs Committee. On behalf of WEF, thank you for the opportunity to testify before the Subcommittee on the need for water infrastructure and water monitoring funding.

As Deputy County Executive, I oversee the operations of nine county departments and assist County Executive Joanie Mahoney in the development and implementation of the annual county budget and a broad range of policy issues. County Executive Mahoney has also charged me with managing the County's "Save the Rain" effort, a multi-million dollar public works program that is utilizing both conventional and green infrastructure approaches to mitigate combined sewer overflows into Onondaga Lake and its tributaries. Prior to joining the Mahoney administration, I served as the Executive Vice President and Acting President of the New York State Environmental Facilities Corporation, which operates the largest Clean Water State Revolving Fund Program in the nation. In 2009, I oversaw the successful deployment of over $500 million in federal stimulus funding from both the Clean Water and Drinking Water SRF programs and launched New York State's Green Innovation Grant Program, which is now in its fourth round of funding.

Onondaga County is in Central New York and has approximately 450,000 residents. The County operates six waste water treatment facilities, hundreds of pump stations and more than 700 miles of interceptor sewers and force mains that serve approximately 125,000 unique users within the County's Consolidated Sanitary district. As a local government official and past official in a state infrastructure financing authority, I have a good understanding of both the challenges and opportunities we face with regard to increased water infrastructure investment. My testimony today is on behalf of the Water Environment Federation.

Water Infrastructure Challenges

WEF's passion is to preserve and enhance the water environment to support clean and safe water, both in the United States and globally.[1] Local governments have made tremendous investments to

[1] Founded in 1928, the Water Environment Federation (WEF) is a not-for-profit technical and educational organization of 36,000 individual members and 75 affiliated Member Associations representing water quality professionals around the world. WEF members, Member Associations and staff proudly work to achieve our mission to provide bold

improve water quality and achieve Clean Water Act (CWA) compliance over the last 40 years with remarkable success. They have worked tirelessly to provide an essential public service that is critical to safeguarding public health and maintaining our quality of life.

The facts are clear that the nation's water infrastructure faces tremendous challenges ahead. The U.S. Environmental Protection Agency [EPA] released on March 26 the results of the first comprehensive survey looking at the health of thousands of stream and river miles across the country, finding that more than half – 55 percent – are in poor condition for aquatic life[2]. The American Society of Civil Engineers recently gave a collective "D" grade to our Nation's water and wastewater infrastructure[3].

WEF and 16 other non-profit and industry organizations formed the *Water for Jobs* coalition last year to compile data about water infrastructure needs and educate policy leaders and the public about the benefits more water infrastructure investment will bring to our nation. As a result of this effort, the 2012 Republican Party[4] and Democratic Party[5] National Platforms included water infrastructure investment language and referenced the positive impact on job creation, economic growth, and health. The *Water for Jobs* partnership is hosting the *National Water Infrastructure Summit* this morning [April 16, 2013] at the Ronald Reagan Building. The event is bringing together 150 top leaders and experts to share their perspectives about the need for reliable, resilient water infrastructure systems and their impact on job creation and a strong financial future. The event is being live streamed on the internet and will be available on the *Water for Jobs* website (www.waterforjobs.org) afterwards, and I invite members of the Subcommittee and staff to view the dialogue at a later date.

As the Chairman and almost every member of the Subcommittee noted in their comments during the Subcommittee's March 13, 2013 hearing, our country has very real water infrastructure needs. It is estimated that 16% of treated drinking water, or 7 billion gallons daily, is lost to failing pipes. Approximately 860 billion gallon of raw or partially treated wastewater enters our waterways annually due to overflows[6]. The U.S. Environmental Protection Agency's 2008 Clean Watershed Needs Survey and 2009 Drinking Water Needs Survey has identified a total water infrastructure capital investment need of $632.9 billion over the next 20 years; at current funding levels, there will be a capital funding gap of at least $224 billion nationwide unless investment increases. These figures are for capital costs and do not include costs for operating and maintaining water systems, which place an additional strain on local communities and their citizens.

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leadership, champion innovation, connect water professionals, and leverage knowledge to support clean and safe water worldwide.

[2] US EPA, National Rivers and Streams Assessment, 2008-2009, A Collaborative Survey. Office of Wetlands, Oceans and Watersheds, US EPA, Washington, DC (March 2013, EPA 841-F-13-004). http://water.epa.gov/type/rsl/monitoring/riverssurvey/upload/NRSA200809_FactSheet_Report_508Compliant_130314.pdf

[3] ASCE 2013 Report Card for America's Infrastructure. American Society of Civil Engineers, Reston, VA (March 2013). http://www.infrastructurereportcard.org/

[4] GOP, *We Believe in America*, pp. 1 and 5

[5] DNC, *Moving America Forward*, pp. 40-41

[6] American Rivers, What's In Your Water: The State of Public Notification in 11 U.S. States (2007) http://act.americanrivers.org/site/DocServer/arswg.all.8_16_07_opt.pdf?docID=6521

Unless new investments are made by 2020, unreliable and insufficient water infrastructure will cost the average American household $900 a year in higher water rates and lower wages; American businesses can expect an additional $147 billion in increased costs and the economy will lose 700,000 jobs.[7] The U.S Department of Commerce's Bureau of Economic Analysis found that each joh created in the local water and wastewater industry creates 3.68 jobs in the national economy, illustrating the far-reaching consequences of investing in water and wastewater infrastructure. The report noted that each public dollar spent yields $2.62 dollars in economic output in other industries. The U.S. Conference of Mayors further noted that for $1 of public investment, private long-term Gross Domestic Product (GDP) output is increased by $6.35. A 2011 report by Green for All found that an investment of $188.4 billion spread equally over the next five years would generate $265.6 billion in new economic activity and create close to 1.9 million jobs.[8]

As someone who manages a large municipal budget, and who in my former role, had the task of prioritizing funding state-wide for infrastructure projects, I can sympathize with the budgetary challenges that the Subcommittee faces. The good news for the Subcommittee is that there is exceptional support by the American public for funding for water infrastructure. Xylem, Inc. completed the *Value of Water* survey in 2012 which found that 85 percent of voters and 83 percent of businesses agree that federal, state or local governments should invest money in upgrading water pipes and systems. The survey also found that 97 percent of American rate water as "extremely important," on par with electricity and heating as their most important utility.

State Revolving Loan Funds

WEF has been a long-time supporter of federal funding for water infrastructure[9]. Each year the Federation has submitted letters of support to the Subcommittee for increased funding for the Clean Water State Revolving Fund (CWSRF), Drinking Water SRF (DWSRF), Clean Water Act Sect. 106 Operation Grants program, and the Public Water Work System Supervision Program.

Since the CWSRF's creation in 1987 and the DWSRF's creation in 1996, they have been proven to be highly successful at improving water quality and providing communities with funding for critical local infrastructure projects at very low cost. As Congress begins to consider other funding mechanisms, some of which WEF supports, to address the nation's needs, we should not undermine the success of the SRF programs. The clean water and drinking water SRFs are now and will continue to be a highly effective and affordable tool for communities to fund projects that protect the public, the environment and help grow the economy. WEF has long held the position that the SRF programs should be the primary federal funding source available to communities.

As the administrators of the SRF funds, states are quite often challenged to distribute funding to the large number of applicants seeking assistance. Demand is far exceeding supply. For instance, in my home state of New York, the Department of Health estimates that approximately 95 percent

[7] American Society of Civil Engineers (ASCE), *Failure to Act* (2011)
[8] Green for All, *Water Works: Rebuilding Infrastructure Creating Jobs Greening the Environment* (2011)
[9] See, for example, WEF Position Statement, *Financial Sustainability for Water Infrastructure*, adopted by WEF Board of Trustees on February 5, 2010 (Water Environment Federation, Alexandria, VA). http://www.wef.org/GovernmentAffairs/PolicyPositionStatement/WaterInfrastructure/

of the projects submitted for inclusion in the Drinking Water SRF program remain unfunded due to a lack of available funds.[10] Any new funding mechanisms that Congress enacts, such as an infrastructure bank, trust fund, or lending authority, should not be funded as the expense of the SRF programs.

For the FY14 budget, WEF respectfully asks the Subcommittee to fund the CWSRF and DWSRF at the FY12 levels of $1.466 billion and $917.892 million, respectively. The amounts allocated in the FY13 Continuing Resolution were not an accurate reflection of the true value of the SRF programs, and, as the Chairman expressed during the Subcommittee's March 13 hearing, the cuts proposed by the Senate were unnecessarily deep. The need to control federal spending is understandable, but the SRF's are investments in public infrastructure that need to occur now. As was stated earlier in this testimony, investment in infrastructure saves jobs, creates new jobs and will help our nation rebound from our current economic downturn. Additionally, substantial SRF funding now will help states fund more projects now rather than waiting until an emergency repair in needed and costs are significantly higher.

Water Infrastructure Finance and Innovation Authority

In an effort to ensure that the most communities are assisted and the regulatory goals of the Clean Water Act and Drinking Water Act are met, many states choose to distribute the SRF funds to smaller and medium sized projects, rather than spending all or most of their allocated SRF funding on one or two large projects. Unfortunately, that gives communities with larger projects little or no access to federal support to comply with CWA and SDWA mandates.

To address this issue, WEF supports the creation of a Water Infrastructure Finance and Innovation Authority (WIFIA), which would be modeled after the highly successful Transportation Infrastructure Finance and Innovation Authority (TIFIA). The new lending authority would support large, regional water and wastewater projects at a small long-term cost to the federal government. WIFIA must be designed to complement – not replace – the SRFs. A pilot version of WIFIA was recently passed by the Senate Environment and Public Work Committee in S. 601, Water Resources Development Act of 2013 (WRDA). Additionally, Transportation and Infrastructure Committee Water Resources Subcommittee Ranking Member Tim Bishop (D-NY) has included authority to create a WIFIA program in a draft comprehensive water infrastructure bill that he is planning to reintroduce in this Congress. WEF has endorsed the Senate WIFIA provision in WRDA and Rep. Bishop's bill, and I ask at this time that WEF's endorsement letters be included in the record.

National Water Quality Assessment Program

WEF's members are largely engineers and scientists—the water quality experts. They and the organizations they work for need reliable data to fulfill their Clean Water Act responsibilities and assess progress in restoring water quality in their communities and identify emerging problems. The National Water Quality Assessment Program (NAWQA) at the U.S. Geological Survey is an important source of scientific information to guide governmental and private actions

[10] http://www.health.ny.gov/environmental/water/drinking/infrastructure_needs.htm

to protect the Nation's water resources. Twenty-two years ago Congress established NAWQA to provide long-term, nationally consistent data and information on water-quality conditions and ecosystem health nationwide, to measure changes over time, and to determine how natural features and human actions affect water quality. NAWQA is the only federal program with this mission, and it has the proven capability to accomplish it. NAWQA's findings have and continue to be used by national, regional, State, and local governments and the private sector to develop more effective, science-based policies and actions to protect and restore water quality even as population and threats to water quality grow and change. Its findings target actions that can achieve the greatest water quality benefits and can determine whether the billions of dollars invested in pollution control are actually having the anticipated results.

For example, NAWQA assessments of nitrogen and phosphorous loadings from the Mississippi River Basin to the Gulf of Mexico are providing increasingly detailed information about the location of the specific sources of nutrients that contribute to hypoxia in the Gulf. This information allows the Environmental Protection Agency and States to develop and target nutrient pollution prevention plans. NAWQA monitoring nationwide uncovered the existence of Methyl Tertiary Butyl Ether (MTBE) in groundwater which alerted the public and policy makers to unintended consequences of the compound designed to enable gasoline to burn cleaner. Congress and states then acted to remove MTBE from fuel. NAWQA scientists in the Puget Sound area identified the sources of nutrients to the Sound, enabling the state to target its pollution control efforts to alleviate low dissolved oxygen levels throughout the Sound.

Unfortunately, the regular reductions in NAWQA's annual budget is threatening the program's ability to collect enough data to monitor the Nation's streams and groundwater, much less to conduct the assessments necessary to turn data into information that decision makers and managers can use. The National Research Council strongly recommended that NAWQA restore and enhance its monitoring networks as the top priority for the program. At least 313 sites, each actively monitored each year, have been proposed to enable assessments of critical short-term changes as well as long term trends in nutrients, pesticides, sediment, and other contaminants. This data is also essential to assess runoff to local streams and to more distant receiving waters, such as in the Great Lakes, Gulf of Mexico, Chesapeake Bay, and San Francisco Bay.

As the Subcommittee prepares the FY14 USGS budget, WEF respectfully requests that the NAWQA program be funded at the program's FY10 level of $66.5 million. As they have done in previous years, the Administration [Department of Interior] will likely propose to reprogram about $5 million of NAWQA's budget to support the WaterSMART Program. So, essentially a FY14 appropriation would be $61.5 million, which would permit the program to continue to monitor only 100 stream sites. Nonetheless, the NAWQA program provides such critical data about the bealth of the nation's aquatic systems that it is vitally important that the program continues to receive the highest level of funding possible and nothing less than $66.5 million in FY14.

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

Mr. SIMPSON. I thank all of you. This time, like the previous panel, it brings up a very obviously important topic. And as I said, we had a hearing on this earlier. I think a couple years ago, 2 or 3 years ago, Congressman Blumenauer and I actually introduced some legislation to try to put some permanent funding into the State Revolving Loan Funds, and it did not go anywhere and it is not going to go anywhere. Our intent was really to start a debate on this. You know, I think one of the members of the previous panel suggested that it would take like $55 billion a year to try to start addressing the backlog.

Our entire budget in the Interior Subcommittee is, what, $28.5 billion? I do not see us getting the $55 billion anytime soon. So we have got to think of a different way to do this. And I do not have the answer to it obviously or I would be brilliant, which I am not. But it is going to take all of us working together to try to find the way to address this. So I appreciate your testimony and we will work with you to try to do what we can.

Our frustration is, we are living in an environment of decreasing budgets, and so we have got to look for ways and places that we can to reduce spending. I suspect our allocation this year will be a couple billion below last year's out of a $28 billion budget or $29 billion budget. And I get frustrated in that we put 2 or $3 billion into the SRS, which does not address the problem that yet takes 2 or $3 billion out of the budget where we could address the problem. And so trying to balance those is really a difficult task that we are facing, and until we find a better way to fund some of these things, it is going to be a challenge that we have.

Mr. MILLEA. Could I respond to that question, Mr. Chairman?

Mr. SIMPSON. Sure.

Mr. MILLEA. It is a great point and I think that that is why I would stress again the flexibility—if the SRF just continues to be a strictly loan program, you do run into that situation where it just goes into the fund and revolves around and we are just getting loans. And a lot of communities do need grants. I think increasing the flexibility within the structure of the SRF where you could marry grants and loans together to make projects affordable, but then the Federal Government is not being asked to fund 87 percent of the project as used to happen in the Construction Grants Program. It is far more efficient. You are leveraging the federal dollars a lot more and they will go a lot farther. It is the little bit of grants that will make a project affordable. We do not need the 85 percent.

Mr. SIMPSON. Right.

Mr. MILLEA. We understand, I think, that by and large water infrastructure will be local funded through rates, and we do suffer from rate shock. Having that little bit of grant assistance makes a big difference for projects.

Mr. SIMPSON. Since you are all in the water infrastructure business, we are going to have an amendment that was proposed last year that is going to come down. I suspect it is going to be proposed again this year to require Buy America provisions in the State Revolving Loan Funds and so forth. Do you guys have any position on that?

Mr. GREGORIO. I think that is good.

Mr. MILLEA. We would ask that it be restricted to steel and commodities of that nature and away from the technical pieces of the equipment. And particularly, when you are building a wastewater treatment plant, iron, steel, and concrete, we absolutely agree as a policy matter that that is applicable for a Buy American type approach. When you get involved with the complicated systems—it is called a SCADA system—the computer systems that run the operations, it is very hard to even find that technology in the United States. So that is where we ran into trouble in 2009 and 2010 with stimulus. So I think with iron, steel, concrete, absolutely. The other items we would ask that they be excluded.

Mr. SIMPSON. Okay.

Ms. MARKS. And I would have to agree with that. You know, we did run into some problems with the stimulus money and trying to get all of that out and efficiently done. So I would agree with your comments.

Mr. SIMPSON. Thank you. I appreciate you all being here.

The next panel, Bill from the Federal Forest Resource Council——

Mr. IMBERGAMO. Imbergamo.

Mr. SIMPSON. Imbergamo. Chris Topik, welcome back, Chris. It makes you feel like you are home?

Mr. TOPIK. Yeah.

Mr. SIMPSON. Tom Martin, Robert Farris, Craig. I called five names; I only see four of you.

Mr. IMBERGAMO. I will take 10 minutes.

Mr. SIMPSON. Okay. Bill, you are up first.

TUESDAY, APRIL 16, 2013.

FEDERAL FOREST RESOURCE COALITION

WITNESS

BILL IMBERGAMO

Mr. IMBERGAMO. Thank you, Mr. Chairman. I appreciate the opportunity to be here on behalf of the Federal Forest Resource Coalition. We are testifying on the budget for the Forest Service and BLM. And as you know, the FFRC represents purchasers of federal timber in 27 states, including more than 650 member companies with over 350,000 employees around the country.

And as my written testimony notes, receiving restorations of the Forest Products, Hazardous Fuels, and Forest Roads accounts to reverse cuts imposed by the sequester and Continuing Resolution, cuts which the President's budget proposes making permanent.

While we appreciate the support this subcommittee has shown for forest management in the past, we must point out our serious concerns with the priorities established as a result of the sequester and CR. The Administration estimates that these will cause a 15 percent reduction in timber offer levels, which will result in the loss of over 7,000 jobs in some of the poorest counties in America.

Our member mills have weathered the worst recession since the Great Depression, and while forest products demand has been steadily increasing for the last 18 to 24 months, the loss of national

forest timber volumes will stall this growth as mills struggle to find timber to meet demand.

For the sequester to force unnecessary mill closures and further job losses in our hard-hit rural communities is unconscionable. By further reducing forest management and capital improvement spending in the CR, Congress and the President are setting exactly the wrong priorities for the Forest Service and BLM. The chief of the Forest Service has testified that the agency has between 50 and 80 million acres in need of restoration work, including 45 billion acres being decimated by bark beetles in the Rocky Mountains alone. And the agency's budget notes that they have a $6 billion maintenance backlog. That is up from $5.3 billion in 2012. This backlog does not just affect the roads that my members use to access timber, but trails, campgrounds, and visitor centers that millions of Americans use for recreation. To cut these programs further goes to the heart of the visitor experience and raises serious questions about the government's continued commitment to manage these lands for the greatest good.

We recognize the Nation's fiscal situation demands austerity, and while we have engaged in a dialogue with the Forest Service to find ways to reduce costs and increase efficiency and this subcommittee has been extremely helpful in that regard. You have led the way in replacing a cumbersome administrative appeals process with a streamlined objection process, and last year proposed expanded authority to use more effective sale administration techniques to help reduce costs. We strongly urge you to continue these efforts by expanding the relief from administrative appeals to all projects with the agency finds are categorically excluded from further NEPA review, and we urge you to push the U.S. Senate to agree to provisions allowing designation by description. However, unless Congress prioritizes investing in timber management, hazardous fuels reduction, and the maintenance of the basic forest infrastructure, our federal lands will continue to deteriorate and our rural communities will remain stuck in what is becoming an alarmingly durable cycle of poverty.

The restorations we recommend would cost the Committee roughly $75 million. Presently, this is far less than is being proposed for several land acquisition programs within this spending bill. Congress cannot ignore its responsibility to set priorities, and clearly, we have arrived at the point where we must prioritize the management of the lands and facilities already under federal ownership.

We are very thankful to the Subcommittee for including national direction to the Forest Service to increase timber outputs from 2.4 billion board feet to 3 billion board feet in 2012. And as you know, they made 2.6 billion, although 11 percent of that was personal use firewood. We urge the Subcommittee to continue increasing the pace and scale of forest restoration and set a goal of 3.5 billion board feet for fiscal year 2014.

We have specific recommendations to expedite management, reduce costs, and increase accountability, including directing the agency to meet their goals with commercial products such as saw timber and pulpwood, not personally used firewood. Encouraging them to use higher-yielding forest management techniques on pro-

ductive timberlands identified in forest plans and providing expedited authority to conduct needed forest management projects on lands that they have identified as being at risk to fire and forest health.

Mr. Chairman, our members are the survivors not only of the drastic downturn in the economy but in the drastic downturn in timber sales from the Forest Service. Our members depend on the Forest Service and will succeed only if the agency manages their lands responsibly. If the CR and sequester cuts remain in place, the Forest Service will lose much of their remaining infrastructure that Chief Tidwell has said repeatedly is needed to improve the health of our forests and watersheds. I implore you to help fund these priorities and to do so in a way that helps our rural economy while not increasing the federal debt or deficit. Thank you for your time.

[The statement of Bill Imbergamo follows:]

Testimony Before the Subcommittee on Interior, Environment, and Related Agencies,
Committee on Appropriations U.S. House of Representatives
Regarding the Fiscal Year 2013 President's Budget Request for the U.S. Forest Service
William Imbergamo, Executive Director, Federal Forest Resource Coalition
Washington, DC
April 16, 2013

The following testimony is submitted on behalf of the Federal Forest Resource Coalition on the budget for the USDA Forest Service and the Bureau of Land Management. The FFCR represents purchasers of Federal timber in 27 states, with over 650 member companies and affiliated associations, collectively representing over 350,000 working men and women around the country.

We make the following specific programmatic recommendations for Fiscal Year 2014:

- restore the Forest Products line item to the pre-sequester FY 2013 level of $337 Million
- restore the Hazardous Fuels line item to the FY 2011 level of $340 Million
- restore Forest Roads line item to the FY 2011 level of $236Million.

We make these recommendations after a cursory review of the President's Budget proposal, which, like you, we only saw last week.

Impacts of Sequester and CR: While we Appreciate the support this subcommittee has shown for forest management in the past, we must point out our serious concerns with the priorities established for the Forest Service as a result of the sequester and subsequent Continuing Resolution. While it appears that some regions of the Forest Service are doing their best to continue offering an expanded timber sale program, the reductions resulting from the sequester and the CR will inevitably result in reduced outputs. Administration estimates suggest that the sequester will result in a 15% reduction in timber offer levels, which will result in the loss of over 7,000 jobs in some of the poorest counties in America.

Our member mills have weathered the worst recession our industry has seen since the great depression, a recession which is widely acknowledged to have hit housing harder than any other sector. Although forest product demand has been slowly increasing for the last 18 to 24 months the loss of national forest timber volumes will stall this growth as these mills struggle to find timber to meet this demand. Moreover, the markets these mills create enable the U.S. Forest Service to perform the forest health and wildfire prevention so badly needed on our national forests.

For the sequester to force unnecessary mill closures and further job losses in our hard hit rural communities is unconscionable. By further reducing forest management and capital improvement spending in the CR, Congress and the President are setting exactly the wrong priorities for the Forest Service and the Bureau of Land Management. The Chief of the

Forest Service has testified before Congress that the agency has between 50 and 80 million acres in need of active management, with 45 million acres being decimated by bark beetles in the Rocky Mountains alone. Further, the agency's budget presentation states that they have a $6 billion maintenance backlog. This backlog does not just affect the roads my members depend on to access timber, but the trails, campgrounds, and visitor centers millions of Americans use for recreation. To cut these programs further goes right to the heart of the visitor experience and raises serious questions about the government's continued commitment to management these lands for the greatest good.

Increasing Efficiency in NFS Management: As an industry, we have learned how to economize, reducing costs and doing "more with less." We recognize that the nation's fiscal situation demands austerity, and we have engaged from day one in a dialogue with the Federal land managers to find ways to reduce costs, increase efficiency, and this subcommittee has helped with several of those efforts. For example, you led the way in replacing a cumbersome administrative appeals process with a streamlined objection process, and last year proposed expanded authority to use more effective sale administration techniques to help reduce costs.

We strongly urge you to continue these efforts by expanding the relief from administrative appeals to all projects which the agency finds are categorically excluded from further NEPA review. We urge you to push the U.S. Senate to agree to provisions allowing designation by description. However, unless Congress prioritizes land management by reinvesting in timber management, hazardous fuels reduction, and maintenance of the basic forest infrastructure, our Federal lands will continue to deteriorate and our rural communities will remain stuck in what is becoming an alarmingly durable cycle of rural poverty.

As noted, we recommend restoring the budgets of the three programs noted on page 1. All tolled, these restorations would cost the Committee roughly $75 million. Presently, this is far less than is being proposed for several land acquisition programs within this spending bill. We stand ready to work with the committee to identify further efficiencies in the way the Forest Service manages their timber lands. However, Congress cannot ignore its responsibility to set priorities, and clearly we have arrived at a point where we must prioritize the management of the lands and facilities already under Federal ownership.

We recommend the following to expedite management, reduce delays, and increase accountability:

- direct the Forest Service to meet their forest products output targets using only commercial products such as sawlogs, pulpwood, and commercial biomass, not personal use firewood;
- allow and encourage the agency to focus higher yielding forest management projects on lands designated in existing forest plans as suitable for timber production; and
- provide expedited authority to conduct needed forest management projects on lands identified as being at significant risk of wildfire, either on agency forest health maps or in community wildfire protection plans.

We were very thankful to the Subcommittee for including national direction to the Forest Service to increase timber outputs from 2.4 billion board feet to 3.0 billion board feet in 2012. As you are aware, the Forest Service achieved 2.6 Billion Board Feet, although about 11% of that was personal use firewood. We urge the subcommittee to continue increasing the pace and scale of forest restoration, and set a goal of 3.5 billion board feet (exclusive of personal use firewood) for fiscal year 2014.

The current annual harvest from the National Forests represents less than 10% of annual forest growth, and less than half the allowable sale quantity under existing forest plans. In many regions, the Forest Service is falling short of its own management goals; including in reacting to the bark beetle outbreak in the Rockies and in managing aspen habitat in the Lake States. Stepping up management, through formal collaboratives where they exist and normal timber programs elsewhere, will help address pressing forest health concerns while helping bolster employment in rural communities where unemployment is frequently near 20% and poverty is well above state averages. Investing in the Forest Service timber program is a very effective job creator, generating 16.5 new direct and indirect jobs per million board feet harvested.

Forest Roads, Hazardous Fuels Reduction: It is also urgent that the Subcommittee restore funding which has been cut since 2010 from the Capital Improvement and Maintenance Account, as well as the Wildland Hazardous Fuels Reduction program. As noted, these programs were reduced in the sequester and then cut further by the Continuing Resolution. These two programs are vital to maintaining access to the National Forests and in helping to reduce the massive, 90-million acre backlog of lands which urgently need hazardous fuels reduction. The work cannot be done economically without the ability to use the Forest Service road system.

We appreciate the efforts of the Subcommittee to remove the arbitrary requirements for hazardous fuels reduction work in the Wildland Urban Interface (WUI). A greater percentage of lands in need of fuels reduction are outside of the WUI, and mechanical thinning allows the Forest Service to take advantage of the wood products infrastructure to reduce treatment costs. Extensive Forest Service research shows that mechanical thinning (which includes removing useable wood fiber) followed by prescribed fire is the best approach to significantly reduce threats from wildfire and forest pests.

IRR, CFLRA: We further recommend that Congress continue to closely monitor pilot authorities such as the IRR pilot regions, and project specific authorities such as CFRLA projects, to determine whether these projects are reducing unit costs whether the units measured are acres treated or units of wood produced.

Stewardship Contracting: We are also concerned that the Forest Service will lose their current authority to engage in Stewardship contacting at the close of this fiscal year. Congress must take steps to expedite an extension of this authority, and we urge this subcommittee to continue its leadership in this regard.

Land Acquisition: Considering the fiscal situation facing the Nation and the backlog of both forest management and roads and facilities maintenance needs on the National Forests, we recommend no funding for the National Forest System Land Acquisition line item. It makes little sense to increase the size of the National Forest System at a time when the agency has a demonstrated backlog in maintenance and land management. We recommend that the $59 million recommended by the Administration be redirected to the land management priorities recommended above.

BLM Forest Management: The President's FY 2014 Budget includes a sharp reduction in funding for the BLM Public Domain Forest Management Program. The President's Budget proposes to reduce BLM PD Forest Management funding by nearly 40%, which will result in reduction of 40% of associated FTEs, 50% reduction in biomass volume, and 80% reduction in Stewardship Contracts. This would mean the BLM would drop from offering 123 Million Board Feet in 2012 to offering 19 Million Board Feet, a decline of over 85% of the public domain timberlands. FFRC supports funding for BLM PD Forest Management Program at no less than the FY 12 level of $9.7 million. Aggressive action is also needed to offer regeneration harvests from the O&C lands in Oregon that meet the needs of local mills and communities.

Alaska: The timber industry in Alaska faces several challenges stemming from years of controversy over the management of the Tongass National Forest. FFRC members depend upon supplies of timber from this forest, and have been hard pressed as the Forest Service has placed complete restrictions on harvest in roadless areas. Current efforts to transition to harvesting second growth timber will not meet the local industries needs for decades. Steps must be taken to offer a timber sale program that complies with the National Forest Management Act and can sustain the local value added industry in order to save the capacity to manage the very small percent of the Tongass that is open to any harvest (almost 90% of the Tongass is roadless). Local mills and loggers, along with Gov. Sean Parnell, have concluded that some portion of the Tongass should be converted into State ownership in order to meet the needs of the local economy. FFRC strongly supports this effort. FFRC also strongly urges the **Subcommittee** to make permanent the Red Cedar language which it has included in previous Interior bills for more than a decade. This language is absolutely necessary to insure that USFS sales are not offered as deficit sales.

Conclusion: We are witnessing a renaissance in demand for wood products, both here at home and abroad. There are two things we know to be true: first, this demand will be met, whether it comes from our own forests or from abroad. Second, we know that there is more forest management work that needs to be done on the National Forests. Only Congress can decide whether we will help meet that domestic and international demand using timber from our National Forests, which must be milled domestically before it can be exported. Only Congress can create American jobs by using this market upswing to pay for badly needed forest management work. To paraphrase our favorite bear, only you can decide to act now, or you can allow the negative trends in forest health and rural economic distress to continue.

Mr. SIMPSON. Thank you. Chris.

TUESDAY, APRIL 16, 2013.

THE NATURE CONSERVANCY

WITNESS

CHRIS TOPIK

Mr. TOPIK. Well, thank you, Mr. Chairman. It is really an honor and a pleasure to be here, to see you here today. I am Chris Topik. I am the director of the Nature Conservancy's Forest Conservation Program. As you know, the Nature Conservancy is an international, nonprofit conservation organization working all around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and water upon which all life depends.

We understand that this is a very challenging fiscal situation and we understand and support the need for fiscal austerity. However, we really want to stress that we are very concerned that conservation programs not be the area that shoulders a disproportionate share of the cuts in this entire budget.

The Nature Conservancy supports a lot of aspects of the President's budget and we feel it does allow for fiscal austerity and it does support some of the important conservation programs that we care about. The budget has important conservation expenditures at stronger levels and the dedicated funding for the Land and Water Conservation Fund. The request has some vitally needed funding for federal grant programs that leverage substantial accomplishments such as NAWCA, State Wildlife Grants, Forest Legacy, and Section 6 Cooperative Endangered Species Grant Program.

The request also includes additional money for conservation of bays, coasts, and estuaries. We feel these are examples of wise investments in America's future that will yield strong returns for years and years to come. And as you know, the President's budget for the first time proposes establishing a dedicated source of long-term funding from the LWCF. In the proposal, the budget has $400 million for activities through a discretionary funding through a traditional appropriations approach and then an additional $200 million in a mandatory approach. And the budget also proposes legislation that would authorize that mandatory funding. The budget also then proposes in the future to reach the fully authorized level of $900 million for LWCF by 2015.

Mr. Chairman, the Nature Conservancy supports in this phased shift to mandatory funding for LWCF. Further, we support this balanced approach in funding for core projects selected through the traditional federal agency ranking process, and we also support the Administration's new focus on collaborative projects. These collaborative projects emphasize community-driven conservation efforts that benefit agricultural, ranching, and forest-based landscapes. These projects support recreational and sportsmen access and leverage limited federal dollars with additional state, county, and private funding.

For instance, the nine-state longleaf pine region in the Southeast will benefit tremendously from this collaborative LWCF process. The existing projects in the crown of the continent and new project sites in the California desert and trail systems nationwide would also benefit. We understand other areas in the southern Appalachians, Great Lakes, Colorado, New Mexico will also be teeing up projects soon.

I also want to particularly stress the importance of the $31 million funding request for completion of the Conservancy's multiyear effort with the Forest Service to shift the Montana Legacy Project into federal ownership. This project would ensure for years to come the critical areas in Montana are open to wildlife and public recreation. It is a terrific project. I have been there.

Mr. Chairman, I want to address the wildfire issue. I especially want to recognize and thank you for your particular leadership in supporting substantial wildland fire management funding through the full year CR process we just went through. The Conservancy believes that a balanced approach emphasizing proactive hazardous fuels reduction and community preparedness, along with a commitment to safe and cost-effective wildfire response strategies is essential to address the tremendous fire management challenges that we face.

We and many others interested in forest conservation and use are particularly dismayed to see the President's proposal to dramatically cut the hazardous fuels program at both Forest Service and Interior. And so we are urging you to fund this program at no less than the fiscal year 2012 enacted level of $317 million for the Forest Service and $183 million for the Department of the Interior.

Mr. Chairman, can I offer a coalition letter of over 30 groups of industry and others that was signed for the record?

[The information follows:]

April 15, 2013

The Honorable Mike Simpson
United States House of Representatives
Washington, DC 20515

The Honorable James Moran
United States House of Representatives
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

The undersigned organizations are writing to express our strong support for maintaining effective funding levels in the FY 2014 appropriations process for essential wildfire risk reduction and protection programs at the USDA Forest Service and the Department of the Interior. While we recognize Congress' responsibility to address the nation's fiscal crisis through prudent reductions in federal spending, funding the Hazardous Fuels programs and the State Fire Assistance program at no less than FY 2012 levels will result in lower total Federal emergency wildfire suppression costs and reduce needed protection for communities and valuable public lands.

America's forests and forest-dependent communities are at risk from outbreaks of pests and pathogens, persistent drought, and the buildup of hazardous fuels. Urbanization and development patterns are placing more homes and communities near fire-prone landscapes, leading to more destructive and costly wildfires. In 2012, 67,774 wildland fires burned more than 9.3 million acres. In the wake of these larger fires, over 4,200 structures were destroyed, including over 2,200 residences. Of the 72,400 communities across the country currently at risk of wildland fire, only 14,775 (i.e. 20%) have prepared a community wildfire protection plan. Reducing the number and extent of wildland fires and keeping life and property safe requires coordination across federal, state, tribal and local units of government. Now is not the time to reduce funding for Hazardous Fuels and State Fire Assistance programs that have a significant role in reducing the threat of wildland fire on Federal, non-Federal lands and tribal lands.

The Hazardous Fuels Programs at the Forest Service and the Department of Interior are the primary source of funding used to reduce wildfire risk on Federal lands. In FY 2012, the Forest Service treated over 2.2 million acres—with over 1.8 million of those acres within the Wildland Urban Interface (WUI). Bureaus at the Department of Interior treated 1,000,273 acres in FY12—over 73% of which were in the WUI. ***In FY14, we urge you to provide no less than FY12 funding levels for the Hazardous Fuels Program at the USDA Forest Service and Department of the Interior.***

The Forest Service's State Fire Assistance program is a critical tool to help states support local wildland firefighting preparedness, capacity building and wildland fire mitigation. Funds are matched at least dollar-for-dollar from non-Federal sources. In FY 2012, State Fire Assistance directly funded hazardous fuel treatments on nearly 133,514 acres (with another 452,459 treated with leveraged funding) and provided assistance to 16,577 communities as they prepare for (and

mitigate the risk of) wildland fire. ***We urge you to fund the State Fire Assistance program at no less than FY12 funding levels (i.e. $86 million) in FY 14.***

The Forest Service did not have sufficient funding for suppression purposes for the entire Fiscal Year 2012, and implemented a funding strategy to transfer funds from non-fire programs to cover any unintended shortfalls. We greatly appreciate your efforts to include reimbursements for these transferred funds as part of the FY13 continuing resolution process. Estimates for the costs of suppression for the remainder of Fiscal Year 2013 anticipate that suppression costs will significantly exceed the 10 year average. ***We urge you to avoid transfers in FY 14 by providing funding for the Suppression budget line item at the Forest Service and DOI that is no less than the 10 year average and to provide reserve funding (that is separate from and in addition to suppression funding) in the FLAME Accounts.***

We fully appreciate the difficult task the Subcommittee faces in the current budget climate. However, these vital, interrelated programs safeguard human life, habitat, and property, and reduce the overall cost of wildland fire management. The short-term savings realized by cuts to any one of these programs is substantially outweighed by the ultimate increase in suppression costs and damages caused by wildland fires. Accordingly, we urge you to maintain funding for these programs at current FY 2012 enacted levels. Thank you for your time and consideration of this important request.

Sincerely,

American Forest and Paper Association
American Forests
American Forest Resource Council
Applegate Partnership and Watershed Council
Association of Consulting Foresters
Association of National Grasslands
Black Hills Forest Resource Association
Choose Outdoors
Colorado Timber Industry Association
Federal Forest Resources Coalition
Flathead Economic Policy Center
Forest Energy Corporation
Forest Guild
Framing Our Community
Idaho Conservation League
Intermountain Forest Association
Intertribal Timber Council
International Association of Wildland Fire
National Alliance of Forest Owners
National Association of Conservation Districts
National Association of Forest Service Retirees
National Association of State Foresters
National Association of University Forest Resource Programs

National Ski Area Association
National Wild Turkey Federation
National Network of Forest Practitioners
Pinchot Institute for Conservation
Salmon Valley Stewardship
Siuslaw Institute
Society of American Foresters
Swan Ecosystem Center
The Nature Conservancy

Cc: Members of the House Interior Appropriations Subcommittee

Mr. TOPIK. Thank you very much. And as you know, through strategic placement of thinning and prescribed fire and other hazardous fuels treatments, federal land managers can reduce fire risks to people and ecosystems and improve forest resilience. And we note that fuels projects create jobs. For every $1 million invested, approximately 16 full-time jobs are created or maintained, along with half-a-million in wages and over $2 million in overall economic activity. And so when emergency wildfire suppression costs are consuming 40 percent of the Forest Service budget, we cannot afford to reduce our investment in the very program that might reduce the need for this tremendous public expense while also providing much-needed local economic benefits.

And lastly, as I close, Mr. Chairman, I want to thank you for your continued support of the Collaborative Forest Landscape Restoration Program and we also encourage you to repeat instructions you offered in the fiscal year 2012 Conference Report regarding balanced allocation of funding for priority landscapes in the wildland urban interface and wildland settings.

We have additional comments in our written reports, and I really appreciate the time here today. Thank you, Mr. Chairman.

[The statement of Christopher Topik follows:]

The Nature Conservancy
Protecting nature. Preserving life.

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Statement of The Nature Conservancy
Fiscal Year 2014 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, U.S. House of Representatives
April 16, 2013

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the Nature Conservancy's recommendations for Fiscal Year 2014 appropriations. My name is Christopher Topik and I am the Director, Restoring America's Forests, North America Region, for the Conservancy. The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters upon which all life depends.

As we enter the FY2014 Budget cycle and another year of a challenging fiscal environment, the Conservancy continues to recognize the need for fiscal austerity. The Conservancy also wishes to thank this Subcommittee for the final FY2013 funding levels for Department of Interior and U.S. Forest Service conservation programs. As this Subcommittee begins to tackle yet another difficult budget cycle, the Conservancy stresses our concerns that the wildlife and land conservation programs should not shoulder a disproportionate share of cuts in this budget. As we are submitting this testimony prior to the release of the President's FY14 Budget, our budget recommendations this year reflect a balanced approach with funding levels indicated at FY12, FY13 or expected FY14 levels, dependent upon program needs. Moreover, as a science-based and business-oriented organization, we believe strongly that the budget levels we support represent a prudent investment in our country's future that will reduce risks and ultimately save money based upon the tangible economic, recreation and societal benefits natural resources provide each year to the American people.

Land and Water Conservation Fund (LWCF). The Conservancy supports the President's FY2014 Budget request for the Land and Water Conservation Fund with the aim of continuing to work toward full funding for the program. We expect the FY14 request will be consistent with the FY13 requested levels for the program, while also taking into account support for shifting this program toward a higher funding level with a focus on mandatory in addition to discretionary funding. The President's America's Great Outdoors Initiative is also expected to continue to have a prominent focus in this annual LWCF Budget with the inclusion of collaborative funding for several top priority landscape conservation areas where the Conservancy and our partners are working in close coordination with the federal agencies, states, counties, local landowners and business communities including the Crown of the Continent (MT/WY/ID) and Longleaf Pine Conservation Areas (FL/GA/AL/SC) as well as potentially a new Trails Initiative and a large conservation area in California. Due to our long-term holding status of projects in Montana (MT Legacy Project, USFS ~$33 million to complete) and FWS projects in Florida (St. Marks and Everglades Headwaters NWR&CA), the Conservancy is strongly supporting a robust LWCF funding level including both the collaborative and core components of the Administration's FY14 LWCF request. Some of our other priorities include Silvio O. Conte NFWR and Francis Marion NF in South Carolina. We are also supportive of annual funding this year for LWCF investments

in support of the working ranches of KS's Flint Hills Legacy Conservation Area, ND and SD's Dakota Grasslands Conservation Area, and MT's Rocky Mountain Front Conservation Area.

Forest Legacy Program. We support the Forest Legacy Program and requests a funding level no lower than the FY12 enacted level of $53.3 million and consistent with the President's FY14 Budget. The Conservancy will be supporting several projects this year including McArthur Lake East (ID), Pascagoula River Conservation Lands (MS), Carter Mountain (TN), and Discover Woods (IN). We hope this year to complete the acquisition of these important lands that will provide income to local economies, recovery for wildlife habitat and rare species, public recreational access to hunting and fishing, and outdoor educational experiences to financially disadvantaged children and those with special needs.

Endangered Species. The Conservancy supports at least $60 million in annual funding for the Cooperative Endangered Species Conservation Fund (CESCF). The Conservancy and its partners have used the Habitat Conservation Planning (HCP) Assistance and Recovery Land Acquisition Grants Programs to conserve key habitat for numerous threatened, endangered and at-risk species and, thus, to help avoid conflicts over ESA issues. We also support continued endangered species funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and fish hatchery needs associated with the recovery plans in this region.

Climate Change. The Conservancy appreciates the President's commitment to respond to the global climate challenge and this Committee's sustained leadership in supporting cooperative, science-based programs to help ensure resilient land and seascapes. In particular, we welcome this Committee's ongoing commitment to the USGS-led Climate Science Centers as well as DOI's Landscape Conservation Cooperatives, and efforts to ensure integration and coordination of these initiatives with existing efforts such as the Migratory Bird Joint Ventures and National Fish Habitat Partnerships.

National Wildlife Refuge System. The Conservancy supports the Cooperative Alliance for Refuge Enhancement Coalition's request of at least the FY12 enacted level of $486 million for Refuge System O&M. We expect this to be consistent with the President's FY14 request and represents the funding necessary to maintain management capabilities for the Refuge System.

Collaborative Forest Landscape Restoration. The Conservancy appreciates the Committee's support for the Collaborative Forest Landscape Restoration (CFLR) Program, which demonstrates that stakeholder collaboration can facilitate large-scale management that benefits people, economies and the environment. We recommend that FY12 funding be sustained for CFLR with $40 million to restore large forest landscapes, provide jobs that sustain rural economies, reduce the risk of damaging wildfire, address invasive species, improve wildlife habitat and decommission unused, damaging roads. We also encourage your support for the Landscape Scale Restoration program proposed at $18 million in the FY12 State and Private Forestry (S&PF) Budget. We believe this program could provide a valuable compliment to CFLR by facilitating restoration treatments on non-federal land in priority landscapes. We also recommend reauthorization of stewardship contracting, a vital tool for forest landscape restoration.

Wildland Fire Management. We particularly want to thank the leadership of this subcommittee for supporting substantial wildfire funding through the recent full year FY13 CR process. The

Conservancy appreciates the Committee's ongoing support for a balanced approach to wildland fire management – one that emphasizes proactive hazardous fuels reduction and community preparedness along with a commitment to safe and cost-effective wildfire response strategies. In light of this approach, we believe it is essential to maintain at least the FY12 funding level for Hazardous Fuels Reduction and urge you to repeat your instructions in the FY12 conference report regarding the allocation of funding to priority landscapes in both WUI and wildland settings. A public investment in improving forest health and decreasing hazardous fuels before a damaging wildfire occurs can pay tremendous dividends by reducing the need for multi-million dollar emergency wildfire suppression efforts and subsequent post-fire rehabilitation and response. We also urge your support for level funding of the State Fire Assistance (SFA) program, which enables states and other non-federal land managers to pursue complementary hazardous fuels reduction and wildfire preparedness activities. Focusing both Hazardous Fuels and SFA dollars on communities that have taken steps to reduce their own exposure to wildfire will further increase the benefits of these programs. We are encouraged by the potential of the Fire Adapted Communities program to facilitate coordinated community and land management action. Finally, we recognize that even with a robust, proactive approach to land management, federal wildfire preparedness and suppression resources will need to be maintained at an effective level to protect life, property and natural resources. We urge you to fund federal wildfire suppression at the ten year average, at a minimum, and to maintain a sufficient balance in the FLAME reserve account so that the need for funding transfers from critical non-fire programs can be reduced. We also strongly support the use of naturally ignited fire as a cost-effective and ecologically beneficial tool for accomplishing resource management objectives whenever safe and effective to do so.

Integrated Resource Restoration. We appreciate the Committee's support for an Integrated Resource Restoration (IRR) pilot, which has allowed three Forest Service Regions to test an integrated budget approach. The Conservancy continues to follow implementation of this pilot; we hope and expect to see an increase in restoration outcomes as a result. The Conservancy believes it is premature to take this pilot national, but supports continuation of the pilot for a third year. We understand that plans are underway for an external third-party review of IRR implementation. We strongly support this review as a way to capture lessons learned and determine whether full implementation is warranted.

Legacy Road and Trail Remediation. Roads are a key source of threats to water quality and watershed health. Despite recent progress in the number of roads repaired and decommissioned, a sizeable backlog of high priority roads and trails that degrade water quality remains. We recommend that Legacy Roads and Trails be funded at the FY12 enacted level to ensure that these actions are taken in a timely manner to protect our critical watersheds.

Forest Health Management; Forest Service Research Program. America's forests are threatened by a growing number of non-native pests and diseases. The Conservancy asks the Committee to maintain funding at the FY12 enacted level, which totals $112 million. This funding is necessary to address effectively the most economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, thousand-canker disease of walnut, and the goldspotted oak borer. We support the FY12 enacted level for the Forest Service Research program to maintain funding of research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, goldspotted oak borer, thousand cankers disease, and other non-native forest pests and diseases.

Bureau of Land Management: Renewable Energy Development, Rapid Ecoregional Assessments & Resource Management. The Conservancy supports strong annual funding for BLM to support environmentally sound development of renewable energy sources on public lands including the evaluation of the impacts of renewable energy development on wildlife and habitat and effective coordination with affected States and Tribes to assess energy resources and evaluate project proposals.

State Wildlife Grants. The Conservancy endorses the Teaming with Wildlife Coalition's support for robust funding for this important program. Strong federal investments are essential to ensure strategic actions are undertaken by state and federal agencies and the conservation community to conserve wildlife populations and their habitats.

Migratory Bird Joint Ventures and Fish Habitat Partnership Programs. The Committee has consistently provided vitally important investments for a number of migratory bird programs. Such investments are essential to reverse declines in bird populations through direct conservation action, monitoring and science. We urge the Committee to fund the President's request for such established and successful programs as the North American Wetlands Conservation Act (NAWCA), the Migratory Bird Joint Ventures, and the FWS Migratory Bird Management Program. We also request strong annual funding for the FWS Coastal Program and Partners for Fish and Wildlife Program as well as the National Fish Habitat Initiative, particularly in light of the ongoing implementation needs of the Memorandum of Understanding between the Secretaries of Interior, Commerce and Agriculture in support of the Initiative.

International Programs. The international conservation programs appropriated annually within the Department of Interior are relatively small but are effective and widely respected. They encompass the FWS Multinational Species Conservation Funds, the FWS Neotropical Migratory Bird Conservation Act, the FWS Wildlife Without Borders regional and global programs, the U.S. NPS International Program, and the USFS International Program (USFS-IP). All of these programs already have been cut since the FY09 or FY10 years, typically by about 20 percent. All have a great record of achievements and of leveraging matching funds from host governments and private conservation groups. These programs are past investments that the U.S. Government has made toward conservation in the developing countries. The unmet needs for conservation in those countries remain great. The proper management of their natural resources is not only a matter of biodiversity, it relates directly to their sustainable economic progress, domestic peace, and security. We urge that these programs receive, at a minimum, level funding with FY13.

Environmental Protection Agency. Congress should avoid disproportionate cuts to EPA's ecosystem-oriented water programs because those programs have such wide-reaching and beneficial impacts throughout the country. We also continue to support the allocation of sufficient funds for innovative strategic planning programs like the Healthy Watersheds Initiative, which embraces a whole-system planning approach to water resource management. This program should be endorsed as a means to enable Federal and state programs to protect and restore freshwater habitats at large scale through more bang-for-the-buck actions.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the FY2014 Interior, Environment and Related Agencies Appropriations Bill.

Mr. SIMPSON. Thank you, Chris. I appreciate it. You will be interested to know, I do not know if you heard that OMB suggested that there was no evidence that fuels reduction actually reduced the fire risk.

Mr. TOPIK. We have talked to OMB and are quite startled by that——

Mr. SIMPSON. So am I.

Mr. TOPIK [continuing]. And talked to a number of researchers that have done a substantial amount of work there——

Mr. SIMPSON. That is why they do not manage forests.

Mr. TOPIK. If I could keep the management of forests out of OMB and out of the courts——

Mr. SIMPSON. Yes, that is right.

Mr. TOPIK [continuing]. Something we share——

Mr. SIMPSON. That is exactly right. Tom.

TUESDAY, APRIL 16, 2013.

AMERICAN FOREST FOUNDATION

WITNESS

TOM MARTIN

Mr. MARTIN. I support Chris getting that done, Mr. Chairman. I think you should hold him accountable next year.

So first, thank you for the opportunity to be here. I am from the American Forest Foundation. As you know, we work on the ground with the 20 million owners of America's family forests in this country. You know our Tree Farm Program, you know Project Learning Tree and the work we do there. As I thought about today and kind of the challenges you have, one of the most difficult things I think that this committee has to deal with is the fact that the Forest Service is responsible not just for what is inside the green line but what is outside the green line as well. The Forest Service owns 20 percent of America's forests. Eighty percent are owned by somebody else, the biggest chunks by family forest owners, but all of us have a stake in what happens across all of those forests. The weakest link in the forest puts everything at risk.

So as I thought about the challenges you have got in front of you, I think there are three opportunities in this budget to really help increase the health of all forests: first, pests and pathogens. If you ask a family forest owner what they are most afraid of, top of mind, pests and pathogens. It does not matter what part of the country you are in. We now have 500 pests that we have imported from other places in the last decade; 28 have been added to the list. That about matches the endemic ones that are eating away at trees like the mountain pine beetle and somehow have speeded up their consumption in an enormous amount in recent years. So addressing the pests and pathogens problem and that interdependent nature of those forests I think it is very important to both the economy and the ecology of our forests.

There are a number of things I think that we can do. First, actively manage our forests. We can create resiliency by using good, adaptive management practices on our forests, and we need to do

that in all types. Secondly, the Forest Health Management Program is certainly one that is deserving of funding at the same level as last year. The cooperative piece of that hit about 615,000 acres last year. The Fed piece was about 351,000. The bad news is that is not 115,000 acres from the year before. That is a place where I think a strong investment can be made that shows results.

Secondly, in the research piece, it is a piece that government can uniquely do in helping take on things like the emerald ash borer, the Asian longhorn beetle, finding parasites that are aimed at those species, finding the lures that can more effectively do it, and finding treatments that allow all landowners to better protect their forest. I think that is an investment. Keeping that at the 2012 level would help all forests.

The second place is the Forest Stewardship Program. If you take a look at the pests and pathogen issues, that is just part of the perfect storm landowners are hit with right now. Catastrophic fire, drought, flooding, all of those kinds of things are going after our forests, and it is at a time when family landowners have fewer supports than they ever had in the past. I am sure Robert could tell you what he has had to do with his outreach foresters. Across the country, state agencies, extension, and companies have had to do away with their programs that help landowners manage their forests for better resiliency.

And I think there are some things we can do to improve the program to make it more effective. For instance, we are working with the Forest Service and the Wisconsin Forestry Agency at focusing the efforts of the Forest Stewardship Program in a landscape, working to intensify the results there and using modern marketing techniques, micro-targeting, social marketing like we use to get people to quit cigarettes. Get them to use it to do better things on their land and using peer-to-peer kinds of contacts that could help multiply the investments and intensify the impact. So the Forest Stewardship Program we think is one that has benefits not just outside the green line but because of the interdependency inside the green line.

Finally, good management, active management is expensive. It takes good markets. Your continued support for Wood is a Green Building Material is really important. It is not only the most environmentally friendly building product, it tends to be cheaper. The government could save money and have a better environmental footprint by using wood. Some of the agencies are still wedded for whatever reason to the LEED-only policy. LEED has got a problem. It does not let you compare wood to concrete to steel and so it ends up discounting the positive impact that wood can have. Your help on that is needed.

Thank you for the opportunity to be here and I appreciate everything you are doing on behalf of America's forests.

[The statement of Tom Martin follows:]

Testimony of Tom Martin, President, American Forest Foundation
For the House Appropriations Committee:
Subcommittee on Interior, Environment and related Agencies
April 16, 2013

Investments in the US Forest Service Forest Stewardship Program and the US Forest Service Forest Health Management Program will help family forest owners get ahead of increasing threats from invasive pests and pathogens, wildfire, and development pressures. It is also critical that funding for US Forest Service Forest Inventory and Analysis and overall Forest Service Research and Development programs are improved and maintained, so these programs continue to provide the information and technical resources for landowners to make informed decisions about America's forests. Investments in forestry programs will help strengthen rural communities, support rural jobs, and ensure that communities that rely on the clean water and air, wildlife habitat, and forest products from family-owned forests, don't face additional costs for these goods and services.

The American Forest Foundation (AFF) urges the Subcommittee to maintain FY 2012 funding for the above mentioned programs and the FY13 funding recommendation for the Forest Inventory and Analysis Program, that support improved forest stewardship on our nation's 251 million acres of family-owned forests and ensure the next generation is equipped to conserve and manage these forests – for the benefit of all Americans. Given the tight budget climate, we understand tough decisions must be made. However, we believe these programs should at a minimum be maintained so we don't lose ground in efforts to conserve and manage America's family-owned forests.

Family forest owners are facing a "perfect storm" of threats. Wildfires, forest pests, pathogens and invasive species, pressures from development, and declining forest products markets make it harder than ever to keep America's family-owned forests healthy and productive. At the same time, less than 5% of family forest owners are taking an active role in the stewardship of their forests. Many are under the impression that leaving their woods "alone" is the best option, meaning few have sought out the advice needed to address these pending threats. It is therefore essential we ensure these families have tools, technical information, and policy support to keep their forests as forests, for current and future generations.

The American Forest Foundation is a nonprofit conservation organization that works on the ground with the over 10 million family woodland owners, through a variety of programs including the American Tree Farm System® and our focused place-based projects designed to achieve specific ecological or economic outcomes in priority places. . Our mission is to help these families be good stewards and keep their forests healthy for future generations.

Families and individuals steward more of America's forests than the federal government or corporations. Families and individuals own 35 percent of our nation's forests.[1] These private

[1] USDA, May 2008, *Who Owns America's Forests?*

forests provide myriad public benefits—clean air, clean water, recreation, renewable resources that build our homes and communities, and good-paying rural jobs. Family forest owners invest their own time, resources, and energy into keeping their forests healthy and ensuring their children and grandchildren have the same opportunities. Those who actively manage their land, likely received some technical or financial help or got their start by getting support from a consultant, an agency forester, or an industry forester. Most families have not sought out this help, and many don't even know they need it.

Forest Health Investments Needed

The threats are daunting. For example, close to 500 species of tree-damaging pests from other countries have become established in the country, and a new one is introduced, on average, every 2 to 3 years. At least 28 new tree-killing pests have been detected in the United States in just the last decade. Some of these will cause enormous damage; for example, thousand cankers disease threatens black walnut, with an estimated growing stock of $539 billion, across the eastern U.S. The USFS Forest Health Management (FHM) Program is a critical resource supporting efforts to prevent, contain, and eradicate dangerous pests and pathogens affecting trees and forests. The program provides critical assistance to other federal agencies, state agencies, local agencies and private landowners.

In FY 2012, the FHM Program helped combat native and invasive pests on over 351,000 acres of Federal lands and over 615,000 acres of Cooperative lands—an impressive figure, but still nearly 150,000 fewer Cooperative land acres treated, compared with 2011 totals. Any further cuts to this program will necessitate deeper reductions in support for communities already facing outbreaks and expose more of the nation's family-owned forests to the devastating and costly effects of the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Wooly Adelgid, Thousand Cankers Disease, Western Bark Beetle and other pests.

Invest in a more focused, impactful Forest Stewardship Program

Over the last few years, there have been significant cut backs in outreach and technical assistance provided to woodland owners, as agency budgets have shrunk, and industry has cut back or eliminated their outreach foresters. This greatly concerned woodland owners across the country that AFF works with, who rely on programs like the Forest Stewardship Program and state forest agency service foresters. The Forest Stewardship Program has been the backbone of the American Tree Farm System, providing the support to woodland owners to ensure they have management plans and can therefore be certified and access certified wood products markets.

These cuts are also of great concern because of the growing number of "unengaged" woodland owners—those 95% of woodland owners who are not actively managing their land, and therefore have forests that are more susceptible to the threats mentioned above.

To address some of this loss AFF is currently piloting, together with several state forest agencies, conservation groups, and industry partners, a number of innovative landowner outreach tools, using micro-targeting and social marketing strategies, to more efficiently and

effectively engage "unengaged" woodland owners. To date, we've seen a 12% response rate—woodland owners who are saying "yes" to being engaged—compared with a 3-4% response rate that forest agencies, extension agents, and organizations typically see.

Tools like these, combined with a more focused Forest Stewardship Program that concentrates on landowner outreach and assistance in priority areas like those identified in each state's Forest Action Plan, have significant potential to leverage the Forest Stewardship Program further and lead to even greater impact on the ground.

It's because of this work underway to improve the impact of the Forest Stewardship Program, we ask that you maintain this program's funding.

Maintaining Essential Information for Forest Management of Family-Owned Woodlands
Both of these programs, the Forest Stewardship Program and the Forest Health Program, must be grounded in sound science and sound forest information. That's where the US Forest Service's Forest Inventory and Analysis (FIA) Program and the Research and Development Programs (R&D) come in. These programs provide irreplaceable data about our forests and give landowners the tools to know how to manage the growing threats they face.

As our nation's forest census, the FIA program provides critical updates on forest health and market trends—better equipping forest owners nationwide to mitigate the impact of impending threats and concerns. FIA also provides a census of the trends in family forest ownership, demographics, and trends, so we can better understand how to work with this significant ownership group, most of whom, as mentioned above are "unengaged" in active forest management.

In particular, the USFS Research and Development Program provides the science to help manage invasive species in urban and rural forests. AFF believes it is vitally important to conduct research aimed at improving detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, Thousand Cankers Disease, Gold-spotted Oak Borer and other non-native forests pests and diseases. USFS research scientists have had the leading role in developing detection traps & evaluating treatments that make walnut lumber safe to continue moving in commerce. We urge this work to continue, and look forward to more progress on genetic restoration of impacted tree species, among other projects.

The R&D function is not only essential for providing forest management research, it is also on the leading edge of providing new information about the use of wood products, which can help create new markets for products from family-owned woodlands. This information helps position wood in growing markets, like green building markets, where understanding the environmental impacts of building materials is key. We urge the Subcommittee to call on R&D to invest an additional $6 million in green building research through the Forest Products Laboratory to continue this important work.

To conclude, AFF recognizes the Subcommittee must find areas to reduce spending. We ask the Subcommittee to consider the impact these reductions will have on the country's nearly 11 million family forest owners and every American who benefits daily from the positive externalities of well-managed, working forests. We urge the Subcommittee to work to maintain FY12 funding levels for the US Forest Service's Forest Stewardship Program, Forest Health Management Program, Research and Development Program, and the FY13 funding recommendation of $72 million for the Forest Inventory and Analysis Program.

I thank the Subcommittee for the opportunity to provide some insight on these programs and appreciate consideration of my testimony.

Mr. SIMPSON. Thanks, Tom. Robert.

TUESDAY, APRIL 16, 2013.

NATIONAL ASSOCIATION OF STATE FORESTERS

WITNESS

ROBERT FARRIS

Mr. FARRIS. Good morning, Mr. Chairman and members of the subcommittee. I am Robert Farris, Georgia State Forester, and I appreciate the opportunity to be here today and I speak with you all about——

Mr. SIMPSON. We are shocked from the West that Georgia has forests.

Mr. FARRIS. Georgia has more privately owned commercially available forest land than any state in the Nation.

Mr. SIMPSON. It was a shock to me to find out that there are actually more forests east of the Mississippi than west of the Mississippi.

Mr. FARRIS. Privately owned forest land in Georgia. And I appreciate the opportunity to be here today and testify.

Mr. SIMPSON. Is that a Georgia Bulldog?

Mr. FARRIS. Absolutely.

Mr. SIMPSON. Okay.

Mr. FARRIS. Of more than 2/3 of America's forest and state and private ownership, state foresters deliver outreach, technical and financial assistance, as well as wildfire protection in partnership with the U.S. Forest Service state and private forestry mission. State foresters fully appreciate the difficult choices that come with spending decisions, as Tom referenced a moment ago.

Our fiscal year 2014 funding recommendations are tied to priorities and the Forest Action Plans that each state developed that were an outcome of the last Farm Bill. My written statements include a complete set of priority recommendations for NASF, including programs like Forest Stewardship and Urban and Community Forestry, but this morning, I would like to highlight just a few areas.

State Forest Action Plans provide an assessment of forest conditions and trends in each state and identify priority rural and urban forest landscapes. These plans depend on a robust forest inventory and analysis program. FIA provides unbiased data for assessing wildfire risk, insect and disease risk, and forest resource information that traditional and emerging industries demand and need to invest in jobs and forestry of 72 million and supports consolidating the program businesses.

NASF recommends an FIA funding level of 72 million and supports consolidating the program under the Forest Service research and development program. This recommended funding level is endorsed by a broad coalition of stakeholders, and with your approval, we would like to request that the letter dated April 15 to the Subcommittee be entered into the record.

Mr. SIMPSON. Yes.

[The information follows:]

April 15, 2013

The Honorable Mike Simpson
United States House of Representatives
Washington, DC 20515

The Honorable James Moran
United States House of Representatives
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

The undersigned organizations believe in the importance and utility of up-to-date inventory and analysis on forests in the United States. The USDA Forest Service–Forest Inventory and Analysis (FIA) program provides critical information that enables sound policy and forest management decisions. We fully recognize the difficult decisions that come with addressing reductions to the Federal budget and we appreciate the Subcommittee's $72 million dollar FIA funding level recommendation for FY13, though it was never enacted. **We *ask your support to fund FIA in FY 2014 at $72 million to truly provide an accurate, up-to-date inventory of America's forests.***

The FIA program is the nation's oldest forest census—providing invaluable information about forests and informing forest policies for more than 75 years. The program collects data on everything from species composition and forest health to forest growth rates and forest products utilization. FIA data serves as the basis for determining trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risks; predicting the spread of invasive species; selecting locations for forest products facilities; and identifying and responding to priorities identified in state forest action plans.

The Agricultural Research, Extension, and Education Reform Act of 1998 (P.L. 105-85) directs the USDA Forest Service to partner with the states and non-governmental interests to provide a nationally consistent, annual inventory program in all states, ensuring timely availability of data and developing state-level reports. Funding reductions will disrupt the inventory cycle length and significantly delay FIA's information delivery. We are all concerned with the economic well-being of rural communities and further reductions to the program funding level will hinder ongoing efforts by program staff to produce reliable, site-specific estimates of sustainable forest biomass supplies for domestic energy production and determining the timber supply available to support local mills and local jobs.

We urge Congress to support the FIA program in FY14 at $72 million. This funding level will require FIA Program leaders to make difficult decisions about how to deliver critical information to users , but with efficient management the program functions can be sustained and provide policy makers, forest managers, private investors, and others with the timely and accurate information needed to make sound decisions regarding the nation's forests.

Regards,

Allegheny Hardwood Utilization Group, Inc.

American Forest & Paper Association

American Forest Foundation

American Forests

Biomass Thermal Energy Council

CarbonVerde, LLC

Empire State Forest Products Association

Environmental and Energy Study Institute

Forest Business Network

Forest Resources Association

Hardwood Plywood & Veneer Association

Hawai'i Forest Industry Association

Kentucky Forest Industries Association

Louisiana Forestry Association

National Alliance of Forest Owners

National Association of Conservation Districts

National Association of Forest Service Retirees

National Association of State Foresters

National Association of University Forest Resources Program

National Lumber and Building Material Dealers Association

National Network of Forest Practitioners

National Woodland Owners Association

Northeastern Lumber Manufacturers Association

Ohio Forestry Association

Oregon Women in Timber

Pellet Fuels Institute

Pinchot Institute for Conservation

Siuslaw Institute

Society for the Protection of New Hampshire Forests

Society of American Foresters

South Carolina Forestry Association

Southern Forest Products Association

Southern Lumber Manufacturers Association

Sustainable Forestry Initiative

Sustainable Northwest

Texas Forestry Association

The American Chestnut Foundation

The Nature Conservancy

Virginia Forest Products Association

Washington Forest Protection Association

Mr. FARRIS. The Forest Action Plans provide long-term strategies for state and federal and other resources. A couple of issues the Forest Action Plans have identified as priorities include wildfire preparedness and response. In fiscal year 2012 nearly 68,000 wildfires burned and over 2,200 residences were lost. In Georgia alone over 4,600 wildfires burned 22,000 acres with 302 homes and outbuildings destroyed or damaged. State Fire Assistant Funds help communities prepare for, mitigate, and respond to wildfire threats. NASF supports funding for the program at no less than fiscal year 2012 enacted levels of 86 million.

NASF also supports funding suppression efforts at no less than the 10 year average and to rebuild and maintain funding for the FLAME reserve fund.

State Forest Action Plans have also identified forest health threats as a major priority. Forest Service estimates that hundreds of native and non-native insects and diseases damage the Nation's forests each year. The Forest Action Plans utilize funding from the Cooperative Forest Health Management Program to maintain healthy and productive forests. In Georgia, we average losing over $7 million of timber annually from southern pine beetles. In the North Georgia mountain region during the 2001 southern pine beetle epidemic, we lost over $72 million of pine timber.

The southern pine beetles are far from our only problem. It seems now that every few years there is a new invasive species that comes in and threatens our forest lands. Another great example is the hemlock wooly adelgid, which now covers and is killing all of the hemlocks within the Georgia range for hemlock.

NASF supports the proposed consolidation of the Cooperative Forest Health Program under state and private forestry and urges funding that a current fiscal year 2012 enacted level of $48 million.

Under the Landscape-Scale Restoration, the state foresters support competitively allocating a percentage of CFAA funds to encourage innovative projects to address priorities in Forest Action Plans. However, a competitive process is not the most effective means of identifying program investments that can provide the greatest return. The allocation of funds to states and private forestry programs cannot be expected to result in the mix of funding that best serves any one state's ability to maximize implementation of their individual Forest Action Plan.

In response to the fiscal year 2012 Conference Report, NASF continues to work with Forest Service to develop a process allowing state foresters flexibility to reallocate a percentage of the funds based on Forest Action Plan priorities.

In conclusion, we recognize the difficult budget climate and are generally recommending fiscal year 2012 funding levels for our priority programs. The cooperative forestry programs we deliver our matched dollar-for-dollar at the state and local levels resulting in a tremendous return on federal investment. I thank you for the opportunity to speak this morning. I would be glad to answer any questions.

[The statement of Robert Farris follows:]

Written Public Testimony of Robert Farris
State Forester, Georgia Forestry Commission
On Behalf of the National Association of State Foresters

Submitted to the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

April 9, 2013

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies regarding our Fiscal Year (FY) 2014 appropriations recommendations. Our priorities center on appropriations for the USDA Forest Service (Forest Service) State and Private Forestry (S&PF) programs. We recommend that FY 2014 appropriations for S&PF be held at $253 million, representing funding levels enacted in FY 2012.

State Foresters deliver technical and financial assistance, along with forest health, water and wildfire protection for more than two-thirds of the nation's forests. The Forest Service S&PF mission area provides vital support for delivering these services alongside other socioeconomic and environmental health benefits in both rural and urban areas. The comprehensive process for delivering such services is articulated in each of the state Forest Action Plans as authorized in the 2008 Farm Bill. S&PF programs provide a significant return on the federal investment by leveraging the boots-on-the-ground and financial resources of state agencies to deliver assistance to forest landowners, tribes and communities. As state and federal governments face extremely tight fiscal conditions, State Foresters, in partnership with the S&PF mission area of the Forest Service, are best positioned to maximize the effectiveness of the limited resources available to respond to priority forest issues and focus efforts in those areas where they are needed most.

RESPONDING TO PRIORITY FOREST ISSUES, TRENDS AND THREATS

Management activities are underway to implement the state Forest Action Plans and respond to the following trends, issues and priorities:

Forest Pests and Invasive Plants. Among the greatest threats identified in the Forest Action Plans are exotic forest pests and invasive species. The growing number of damaging pests is often a result of the introduction and spread by way of wooden shipping materials, movement of firewood and through various types of recreation. These pests have the potential to displace native trees, shrubs and other vegetation types in forests. The Forest Service estimates that hundreds of native and nonnative insects and diseases damage the nation's forests each year. In 2009, approximately 12 million acres suffered mortality from insects and diseases.[1] These losses impact the availability of clean and abundant water, wildlife habitat, clean air and other environmental services. Further, extensive areas of high insect or disease mortality can set the stage for large-scale, catastrophic wildfire.

In response, the Cooperative Forest Health Management program provides technical and financial assistance to states and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. Funding for the Program supports activities related to prevention,

[1] Man, Gary. 2010. Major Forest Insect and Disease Conditions in the United States: 2009 Update. Last accessed on March, 7, 2012 at: http://www.fs.fed.us/foresthealth/publications/ConditionsReport_09_final.pdf

suppression, and eradication of insects, diseases, and plants as well as conducting forest health monitoring through pest surveys. The Program helped combat native and invasive pests on over 615,000 acres of non-federal forest lands in 2012.

NASF supports the consolidation of the Forest Health Program under State and Private Forestry and urges funding the Forest Health—Cooperative Lands Program at no less than the FY 2012 enacted level of $48 million. Any further cuts to this program beyond those made in FY 2012 will necessitate deeper reductions in support for communities already facing outbreaks and expose more of the nation's forests and trees to the devastating and costly effects of exotic and invasive pests and pathogens.

Fuel Loads and Wildland Fire. More people in fire-prone landscapes, high fuel loads, drought and unhealthy landscapes are among the factors that have led State Foresters to identify wildland fire as a significant priority issue in their Forest Action Plans. These factors have created a wildland fire situation that has become increasingly expensive and complex and, in many cases, threatens human life and property. In 2012, over 67,774 wildland fires burned more than 9.3 million acres.[2] In the wake of these larger fires, over 4,200 structures were destroyed, including over 2,200 residences.[3] Of the 72,400 communities across the country currently at risk of wildland fire, only 14,775 (i.e. 20%) are prepared for wildland fire.[4]

State Fire Assistance (SFA) is the fundamental federal mechanism that assists states and local fire departments in developing preparedness and response capabilities for wildland fire management on non-federal lands. This program helps with training and equiping first responders who can quickly and efficiently respond to wildland fires. By directing resources to actions that help reduce the number of large wildland fires—including prevention education, preparedness activities and fuels mitigation—the SFA program directly addresses concerns over rising wildland fire suppression costs, while also reducing wildland fire risks. In FY 2012, SFA directly funded hazardous fuel treatments on nearly 133,514 acres (with another 452,000 acres treated with leveraged funding) and provided assistance to 16,577 communities as they prepare for (and mitigate the risk of) wildland fire. ***NASF supports funding for the State Fire Assistance program at no less than FY12 enacted levels of $86 million. We support consolidation of SFA into one line item with the understanding and expectation that adjustments in the grant process are not required.***

The Forest Service did not have sufficient funding for suppression purposes for the entire Fiscal Year 2012, and implemented a strategy to transfer over $400 million from non-fire programs to cover shortfalls. We wish to thank you for including reimbursement to the USDA Forest Service for the $400 million transferred in FY12 as part of last fall's continuing resolution. Further, we greatly appreciate the subcommittee's attempt to provide funding above the 10 year average for suppression efforts as part of HR 933. Estimates for the costs of suppression for the remainder of Fiscal Year 2013 anticipate that suppression costs will significantly exceed the 10 year average. ***We urge you to avoid transfers in FY 14 by providing fire suppression funding that is no less than the 10 year average with additional funds to rebuild and maintain reserves in the FLAME Account.***

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[2] National Interagency Fire Center, Historical Wildland Fire Summaries, pg. 9. Last accessed April 3, 2013 at http://www.predictiveservices.nifc.gov/intelligence/2012_statssumm/fires_acres.pdf

[3] National Interagency Coordination Center.

[4] National Association of State Foresters, Communities at Risk Report FY2012.

Working Forest Landscapes. Working forest landscapes are a key part of the rural landscape and provide an estimated 900,000 jobs, in addition to clean water, wood products and other essential services to millions of Americans. For instance, 80 percent of renewable biomass energy comes from wood, 53 percent of all freshwater in the U.S. originates on forest land and more than $200 billion in sales of consumer products and services are provided through the nation's forests each year.[5]

Private forests make up two-thirds of all the forestland in the United States and support an average of eight jobs per 1,000 acres.[6] The ability of working forests to continue providing jobs, renewable energy, clean and abundant water and other important services is in jeopardy as private forests are lost to development. 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. The Forest Stewardship Program, Forest Legacy Program and other programs within USDA are key tools identified in the Forest Action Plans to keep working forests intact.

The Forest Stewardship Program (FSP) is the most extensive family forest-owner assistance program in the country. Planning assistance is delivered in cooperation with state forestry agencies primarily through tbe development of Forest Stewardship Plans. In FY 2012, nationwide, more than 21 million acres of private forest lands were managed according to Forest Stewardship Plans. The program provides information to private landowners to help them manage their land for wildlife, recreation, aesthetics, timber production, and many other purposes. The technical assistance provided through the FSP is a gateway to other effective USDA, state, and private sector programs designed to help keep working forests intact. For instance, the FSP enables landowners to participate in USDA programs including the Forest Legacy Program and Environmental Quality Incentives Program. ***NASF recommends funding the Forest Stewardship Program in FY14 at no less than the FY12 level of $29 million.***

Urban and Community Forest Management Challenges. Urban forests provide environmental, social and economic benefits to the more than 84% of Americans who live in metropolitan areas. Forest Action Plans identified a number of benefits associated with urban forests including energy savings, improved air quality, neighborhood stability, aesthetic values, reduced noise and improved quality of life for communities across the country. At the same time, the plans reported a number of threats to urban and community forests including fire in the wildland urban interface (WUI), urbanization and development, invasive plants and insects, diseases and others.

Since its expansion under the Cooperative Forestry Assistance Act of 1990 (CFAA), the Forest Service's Urban & Community Forestry (U&CF) program has provided technical and financial assistance to promote stewardship of urban forests in communities of all sizes across the country. The program is delivered in close partnership with State Foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. This "green infrastructure" is a cornerstone for neighborhood stability and revitalization and the numerous contributions this program provides the urban environment should not be under estimated. In FY 2012, the U&CF program delivered technical, financial, educational, and research assistance to 7,499 communities in all 50 states, the District of Columbia, U.S. territories and affiliated Pacific Island nations. The program reached over 196

[5] Society of American Foresters. *The State of America's Forests.* 2007.
[6] Forest2Market. *The Economic Impact of Privately-Owned Forests.* 2009.

million Americans (i.e., over 60% of the U.S. population) in FY12. ***NASF supports a FY14 appropriation at no less than FY12 levels (i.e. $31 million) for the U&CF Program.***

IMPORTANCE OF FOREST INVENTORY DATA IN MONITORING FOREST ISSUES

The Forest Inventory and Analysis (FIA) program, managed by Forest Service Research, is the nation's only comprehensive forest inventory system for assessing the health and sustainability of the nation's forests across all ownerships.[7] FIA provides essential data related to forest species composition, forest growth rates, and forest health data and delivers baseline inventory estimates used in state Forest Action Plans. The Program provides unbiased information that serves as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for responding to priorities identified in the Forest Action Plans.

We greatly appreciated the Subcommittee's willingness to fund FIA at $72M in FY '13 even though funding at that level was never enacted. ***We urge Congress to support the FIA program in FY 2014 at $73 million*** and provide direction to the Forest Service to look for the most efficient way(s) to deliver the program including contracting with partners, most notably state forestry agencies, who can accomplish necessary field work at lower cost.

LANDSCAPE SCALE RESTORATION AND RESPONSE TO FY 2012 MANAGER'S STATEMENT

Members of NASF support competitively allocating a percentage of CFAA funds to encourage innovative *projects* to address national, regional and state-specific priorities consistent with each state's Forest Action Plan. However, a competitive process is not the most effective means of identifying *program* investments that can provide the greatest return on investment. Further, the allocation of funds to states by formula for each State and Private Forestry program cannot always be expected to result in the mix of funding that best serves any one state's ability to maximize implementation of their Forest Action Plans. In response to direction included in the FY12 conference report, NASF continues to work with the Forest Service to develop a process allowing state foresters flexibility to reallocate a percentage of their allocations for CFAA programs to address priorities identified in their Forest Action Plans.

IMPACTS OF SEQUESTRATION ON STATE AND PRIVATE FORESTRY PROGRAMS

Through the CFAA, State Foresters deliver technical and financial assistance, along with forest health, water and wildfire protection for more than two-thirds of the nation's forests. The comprehensive process for delivering such services is articulated in each of the state Forest Action Plans. The Forest Service State and Private Forestry (S&PF) mission area provides vital support for delivering these services and relies, in large part, on state forestry agencies to deliver the on-the-ground accomplishments associated with S&PF programs.

The sequestration order that went into effect on March 1st triggered a 5% reduction in non-exempt nondefense discretionary funding during the current fiscal year. The Office of Management and Budget reports that a 5 percent reduction to State and Private Forestry will result in a $13 million sequester amount. We expect the Forest Service will be mindful of the relationship with state foresters established through the CFAA when developing and implementing their sequestration plans. NASF does not support reductions in state allocations for S&PF programs that go beyond 5 percent. We request the support from the Subcommittee to ensure the agency's plans minimize the impact of the sequester on program delivery and outcomes which are realized directly through the work of state forestry agencies.

[7] The program has not yet been fully implemented in all states including Interior Alaska

Mr. SIMPSON. Thank you.
Mr. FARRIS. Thank you, sir.
Mr. SIMPSON. Craig.

TUESDAY, APRIL 16, 2013.

RECREATIONAL AVIATION FOUNDATION

WITNESS

CRAIG McCULLOUGH

Mr. MCCULLOUGH. Mr. Chairman, members of the subcommittee, my name is Craig McCullough, and thank you for the opportunity to testify on behalf of the Recreational Aviation Foundation this morning.

I think it is fitting after hearing the previous four testimonies that I have been asked to testify at this moment because you will see that it all ties together very well with preservation efforts and also a revenue generation in a time of cutting budgets.

The Recreational Aviation Foundation is a 501(c)(3) organization with members, volunteers in all 50 states and the District of Columbia. We are dedicated to preserving, maintaining, and creating backcountry recreational airstrips. These airstrips are present in most of our national forests and parks already and I come before you today with two distinct tasks. One is that you recognize and acknowledge the importance of these recreational and backcountry airstrips, and then to appropriate funding to inventory them so that we can begin protecting them. And they must be protected.

There are many reasons that these recreational and backcountry airstrips are important to the Nation, to our forests, but I will go through three in the interest of time.

One is that they truly do serve as trailheads to our national parks and forests. Frank Church wilderness in Idaho, that preserve has had flights into it for the past 50 years and I think they continue to this day.

Another reason is they provide quick access for emergency responders. There was testimony just previously on forest fires, and these recreational and backcountry strips provide an immediate access to remote areas for emergency personnel to drop and parachute in and fight fires, protect out buildings, and the like.

It is because of these reasons that in July 2001 Secretary of the Interior Gale Norton made a remark that it is important to ensure the legitimate uses of these backcountry strips. They must be protected. Similarly, in July 2009 the chief of the U.S. forest service, Abigail Kimbell, remarked that backcountry strips are an appropriate use of national Forest Service lands.

Third, they do increase tourism and they support the local economy. Some poignant examples of that would be Ryan Field, which is in Montana. Ryan Field is a 2,500 foot grass strip. It is a low environmental impact just like all of these backcountry airstrips are. It is surrounded by U.S. Forest Service lands. It is a mile away from West Glacier National Park. Folks use it to hike into the park. It has brought tourism to the economy, the local economy. That strip would be gone if it was not for the volunteer efforts of

the Recreational Aviation Foundation, members of the U.S. Forest Service and local people to the area going in and maintaining the strip, adding runway lights, pilot buildings, and areas for tourists to visit. And it works as a great trailhead into West Glacier.

Another example and very fitting here is the Russian Flat airstrip. That is located in the Lewis and Clark national forests. And that is an example of one airstrip in the last 45 years where the U.S. Forest Service and the Recreational Aviation Foundation and volunteers worked together to create an airstrip for the reasons previously mentioned.

So these airstrips add value. They add value to the local economies and to folks that want to visit our national forests. They generate revenue. How do we protect them? The best practices put forth by the EPA and asset management marks as one of the first things you do is inventory of assets. You cannot protect if you do not know it is there. The majority of these backcountry recreational airstrips are forgotten about. We do not know they are there. The current public landowners by and large do not understand the importance of them both to the public and to our first responders going in in emergency situations. So they are becoming overgrown. Most of these strips are grass strips, and what happens is if they are not maintained they will soon become inoperable. And then they get repurposed. And when they are lost, they are usually lost forever. So that is really what needs to happen from the outside is we need to inventory these strips.

So in conclusion, I would just ask that, you know, we recognize the importance of these backcountry recreational airstrips and appropriate funding to inventory them and then we can take the next steps in preserving them.

Thank you very much for your time.

[The statement of Craig McCullough follows:]

Written Testimony in Support of Appropriations to Inventory, Preserve, Maintain and Create Recreational and Backcountry Airstrips

Submitted by Craig L. McCullough
The Recreational Aviation Foundation, Maryland State Liaison

House Appropriations Subcommittee on Interior, Environment and Related Agencies

April 16, 2013

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee, I thank you for the opportunity to testify on behalf of the Recreational Aviation Foundation on the importance of protecting recreational and backcountry airstrips.

The Recreational Aviation Foundation ("RAF") is a nationwide, non-profit 501(c)(3) organization with membership in all 50 States and the District of Columbia. We are dedicated to preserving, maintaining and creating public use recreational and backcountry airstrips. We come before you today to respectfully request that the House Appropriations Subcommittee on Interior, Environment and Related Agencies acknowledge the importance of recreational and backcountry airstrips and appropriate funding dedicated to the inventorying and protection of these national treasures.

Recreational and Backcountry Airstrips Must Be Protected

Serve as Trail Heads with Minimal Impact to the Environment

Public recreational lands and national parks revitalize communities, preserve local history, celebrate local heritage, and create opportunities for children and families to get outside, be active, and have fun.[1] In many instances, primitive airstrips exist within and around the boundaries of these public recreational lands.[2] Indeed, "aircraft have been flying into remote landing strips in the mountains of Idaho for over 50 years, and the Central Idaho

[1] U.S. National Park Service, http://www.nps.gov/aboutus/index.htm (April 2013).
[2] Examples include the Frank Church Wilderness in Idaho, Meadow Creek and Schafer Meadows in Montana, Death Valley National Park in California and many others.

Wilderness Act allowed this use to continue."[3] These airstrips allow easy access for recreational activities, take up very little land, and cause minimal to no impact to the environment as compared to roads or trails. Also, unlike vehicular trails, airstrips maintain their vegetative cover because, aircraft are incapable of spinning their wheels, churning up hillsides, and otherwise tearing up the landscape. Once an aircraft rolls to a stop it remains in one place and the occupants are now hikers accessing public lands.

Provide Quick Access to Remote Areas for Emergency Personnel

As published in the Congressional Record on 7/12/01, U.S. Secretary of the Interior, Gale Norton, wrote a letter to U.S. Senator Mike Crapo of Idaho, confirming:

> *"Our Nation's backcountry airstrips are important to many activities that take place on our public lands. Airstrips provide remote access for aerial firefighting efforts, they are essential safety tools for pilots operating in rural and mountainous areas, and they provide a vital link to the outside world for many rural communities. It is important to ensure that legitimate uses of backcountry airstrips are protected."*

Verification of the value of these assets was further demonstrated by the comments of Abigail Kimball, Chief of the United States Forest Service when on July 2nd 2009, she wrote in part:

> *"Aviation has been part of our country's heritage, both as a mode of transportation and as a means of access to remote and scenic areas for a wide variety of purposes. Backcountry airstrips are an appropriate use of National Forest System (NFS) lands as they provide enhanced access for a variety of legitimate recreational activities and serve recreational pilots. Providing and maintaining backcountry airstrips enhance the spectrum of recreational uses of NFS lands. Providing backcountry airstrips serves recreationists who care deeply about use and enjoyment of NFS lands, both now and in the future. Recreation aircraft and backcountry airstrips can be an integral part of a balanced and efficient transportation system."*[4]

Increase Tourism and Support the Local Economy

A piece of property that was gifted to the RAF, known as Ryan Field, is a 2,500 foot grass airstrip on 152 acres of timbered land, surrounded by United States Forest Service lands near West Glacier, Montana. Since 2004, RAF volunteers have removed encroaching trees, leveled the runway, cleared and seeded ground for camping areas, installed tie-downs, erected a second windsock, built a 24'X30' camping shelter, built a masonry BBQ, installed

[3] "A User's Guide Frank Church—River Of No Return Wilderness," U.S. Dept. of Agriculture, (Dec. 2001), 28.
[4] Memo from Abigail R. Kimbell, Chief of the U.S. Forest Service, to Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors, (File Code 1900/2300/5100/5300/5400/7700), (July 2, 2009).

runway marker cones and put in a handicapped accessible toilet. Ongoing projects at Ryan Field include forestry management involving tree thinning, clearing the outside property line of dead and downed trees, gopher and weed control and marking and maintaining a one mile hiking trail to Glacier National Park. If it were not for the volunteer efforts and monetary contributions of RAF members, the grass airstrip at Ryan Field would likely be overgrown and inaccessible. Today, however, it serves as a wonderful trailhead into West Glacier and a benefit to the local economy as visitors avail themselves of local attractions and amenities such as lodging, rental cars, adventure company services and dining.

The Russian Flat public airstrip in the Lewis and Clark National Forest, located in central Montana, is a testament to the power of collaboration between private individuals and State and Federal officials. The Russian Flat airstrip is the first new airstrip on US Forest Service Land in at least 45 years. The airstrip is the result of a partnership between the RAF, the Montana Pilots Association, and the Lewis and Clark National Forest. The Montana Pilots Association provided all of the volunteer labor for the airstrip construction. The RAF provided the funding for the airstrip. Century Companies of Lewistown, MT donated labor and equipment. The airstrip came about because pilots were invited to participate in the Travel Planning process for the Lewis and Clark National Forest. The Travel Planning process started in 2003 and the Travel Plan with an approved airstrip was put into effect in 2007. The construction was started in 2008 and the airstrip was opened to the public on August 20, 2010. Since that time, tourism to the Lewis and Clark National Forest has seen a healthy increase as pilots and non-pilots alike have taken advantage of the enhanced accessibility to hiking, fishing and conservationist efforts within the Lewis and Clark National Forest through the Russian Flat airstrip.

The Grapevine Airstrip on the Tonto Basin Ranger District in the Tonto National Forest of Arizona provides low impact access to part of the 2.8 million acres of the Tonto National Forest. The lands are managed by the U.S. Department of Agriculture. Through the combined efforts of USDA personnel, the Arizona Pilot's Association and the RAF, the Grapevine Airstrip was repaired and is now maintained at a level that enhances visits to the national park. Volunteers also assisted in upgrading the Audio/Visual equipment at the Roosevelt Lake Visitors Center, improving the educational programs for the thousands of visitors the USDA receives there each year.[5]

Recreational and backcountry airstrips must be protected. They serve as trail heads with minimal impact to the environment, provide quick access to remote areas for emergency personnel, increase tourism and support local economies. Unfortunately, we can only protect what we know exists.

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[5] *See* March 29, 2013 Letter from Kelly L. Jardine, USDA District Ranger, to Mark Spencer, AZ Pilot's Assoc., Pres. stating "Your personal efforts in the fore mentioned services are not only a commendation, but also a recommendation to any public entity to avail themselves of the assistance provided by the AZ Pilot's Association and the RAF."

To Protect These National Assets They Must Be Inventoried

The United States Environmental Protection Agency, *Asset Management: A Best Practices Guide*, EPA 816-F-08-014 (April 2008), explains:

> *"The first step in managing your assets is knowing their current state.... Best practices include:*
> ***• Preparing an asset inventory and system map....***"
> *(emphasis added).*

The majority of recreational and backcountry airstrips in existence today are not widely known, nor are they a high priority to the public land managers that have these resources in their jurisdiction. Accordingly, they are falling into disrepair and are being repurposed for efforts other than what they were intended. Once an airstrip is lost, it is likely lost forever. We are losing recreational and backcountry airstrips each year, simply because their existence is not formally acknowledged. Accordingly, it is imperative that we create an accurate inventory of such airstrips as soon as possible.[6]

Conclusion

Mr. Chairman, Ranking Member Moran and Members of the Subcommittee, prior to the RAF, no group was entirely dedicated to the preservation, maintenance and creation of backcountry airstrips on public lands. Over the last ten-years, the RAF through its members and partners has raised awareness of the importance of these airstrips at the national, state and local level. Through a nearly 100% volunteer effort, the RAF has successfully protected a number of existing airstrips and created the first new airstrip on U.S. Forest Service Land in at least 45 years. Existence of these backcountry airstrips benefits all Americans by providing environmentally low impact access, education and activity in and around our public lands. Adequate protection, however, can only come with an appropriation to generate an accurate inventory and then support preservation efforts. Thank you for the opportunity to address this committee.

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[6] In 2009, administrative units within the U.S. Forest Service were directed to include in their program of work "(1)...an inventory of backcountry airstrips under Forest Service jurisdiction, regardless of prior ownership and (2) listing of these facilities on the Forest Transportation Atlas....", *See fn. 4, Memo from Abigail R. Kimbell.* To date, no such inventory has been created.

Mr. SIMPSON. Thank you. Yes, back when I had a pilot's license when I used to fly across Idaho, I wanted to know where every strip was in case my engine quit. But I appreciate you all taking the time to come and testify today.

It is a challenge. It is challenging times. And I have suggested that at some point in time we are going to be reducing the budgets far enough that you are going to have to make a determination of whether you are going to do a lot of things not well or whether you are going to decide what you are going to do and do it well and what you are not going to do anymore. And within our budget there are some things that might get dropped out. I am not suggesting that the Forest Service is going to get dropped out, but there are going to be decisions made because you cannot continue to just decrease and decrease and decrease and still do the job and do it well. So it is challenging.

But you bring up one of the other really interesting challenges we have and that is invasive species. I have had reports from people who have looked at it, and it is very little percentage of the appropriation that goes to invasive species that actually ends up on the ground taking care of it. A lot of it is tied up in bureaucracies and so forth. And so we need to re-examine how we are spending money to address the invasive species in our forests and streams and everything else.

So I appreciate all of you being here today.

Mr. GRAVES. Can I follow up on that?

Mr. SIMPSON. Sure.

Mr. GRAVES. I think you are absolutely right and the tough challenges that we have that Mr. Martin and Mr. Farris both brought up another opportunity, and that is with the LEED side of things where we are compelling government buildings be built quite frankly at higher cost without looking at other alternatives. So I know in Georgia Governor Deal signed an Executive Order saying that we want to have a green initiative that should include as well domestic wood products being included in that.

And so I want to thank you for bringing that up because, Mr. Chairman, I think it is another way you can save is just in how we apply some of the rules and regulations that are coming out of Washington. So thank you.

Mr. SIMPSON. Thank you all.

Mr. TOPIK. If you would offer this for the record, Forest Stewardship Programs.

Mr. SIMPSON. You bet.

Next panel is Ed Shepard, Public Lands Foundation; Brenda Richards, the Public Lands Council; and Alan Rowsome, the Wilderness Society. Ed is first.

TUESDAY, APRIL 16, 2013.

PUBLIC LANDS FOUNDATION

WITNESS

ED SHEPARD

Mr. SHEPARD. Well, thank you, Mr. Chairman. My name is Ed Shepard and I am the president of the Public Lands Foundation,

and we thank you for the opportunity to present your committee with our reviews regarding the Bureau of Land Management budget request for fiscal year 2014.

As a national, nonprofit organization with more than 700 members comprised principally of retired but still dedicated BLM employees, the Public Lands Foundation has a unique body of experience, expertise, and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands. The PLF support the BLM and its programs but we are independent in our views and our requests.

Some of the most significant management challenges for the BLM stem from the rapid population and urban growth in the West and the accompanying increased demand for access to and use of the public lands and resources. The public lands provide the Nation with opportunities for expanding the development of renewable energy, as well as traditional needs for oil, natural gas, nonenergy minerals, grazing land, and timber. Recreation, wildlife habitat, wild horses, cultural resources, and special places are significant attributes of these lands as well.

BLM management activities contribute to the vitality of state and local economies, generating revenues of over $4 for every $1 appropriated. The multiplier effect from the use of these lands greatly expands the economic benefits to communities many times over. However, these revenues are best achieved when there is some balance of the programs to provide for the diversity in the use and maintenance of healthy landscapes.

The PLF recognizes the difficult situation the Nation is in and fully appreciates the hard decisions that must be made. The PLF is supportive of BLM budget requests that support the wise development of energy resources. The development of these resources provide needed jobs in our rural communities and revenues to the Treasury. We support the BLM's request for a 20 percent increase in this area.

The PLF also supports a 7.1 million increase in renewable energy development and a $6 million increase to identify and designate energy transmission corridors. Locating renewable energy opportunities and associated transmission in areas best suited for the development allows for more efficient use of BLM and industry resources.

The development of energy resources, traditional and renewable, does not come without effects on the land, and funding other high-value resources can help mitigate and offset some of the effects on the landscape. The potential listing of sage grouse as a threatened or endangered species under the Endangered Species Act is of great concern to us. We support the $50 million increase in this program that will allow the BLM to continue its efforts with other agencies, state and local governments, and state wildlife agencies to conserve this species.

The PLF supports the proposed increase of $2 million in recreation programs and the 6 million for the National Landscape Conservation System. Recreation is one of the fastest-growing uses of our public lands and it can have a significant economic impact. And the National Landscape Conservation System is comprised of some

of the most unique and valued landscapes and the Nation's vast holdings. These areas are incredibly diverse and have been designated for their outstanding cultural, ecological, and scientific values. They also provide working landscapes where it can be demonstrated that multiple use can be practiced in areas with outstanding conservation values.

The Wild Horse and Burro Program continues to be a concern to us. We are dismayed that despite repeated efforts by the BLM, the issue seems unresolvable and Bureau continues to be stymied in implementing acceptable solutions. The current situation is unsustainable but this program must continue to be funded to provide for the large and growing population of animals. The budget request for an additional $2 million will help BLM stay the course on their operating plan, which includes expanded research and development of population control. However, at some point Congress must step in and pass legislation that provides more specific guidance on this program.

BLM's vast portfolio includes programs such as Rangeland Resource Program and Public Domain and ONC Forestry Programs. These important programs provide management tools for the restoration and maintenance of healthy landscapes and the vegetative resource while at the same time providing raw materials, employment opportunities, and quality of life for many throughout the rural West. These programs should receive adequate funding to allow them to maintain their mission. The ONC program proposes a modest increase of 3-½ million to meet its timber commitments and new RMPs for western Oregon. However, the Public Domain Forestry Program continues to lag in funding, and despite forest health issues that plague the West coupled with the reduction in the Hazardous Fuels Program pretty much limits opportunities to address that problem.

PLF is very concerned with the reduction in the Rangeland Management Program. In the proposed budget is a $14 million reduction potentially offset by $6-½ million for a pilot administrative fee. Even if the fee is successful, that is over a $7 million reduction with impacts to management of the resources and likely an increase in litigation.

Mr. Chairman, we appreciate the hard choices that this subcommittee has to make and we hope our comments will help you as you work through the process. And thank you for your consideration.

[The statement of Edward Shepard follows:]

TESTIMONY OF EDWARD W. SHEPARD, PRESIDENT, PUBLIC LANDS FOUNDATION
THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES; COMMITTEE OF APPROPRIATIONS;
ATTENTION: OUSTSIDE WITNESS TESTIMONY
FISCAL YEAR 2014 BUDGET – BUREAU OF LAND MANAGEMENT

April 16, 2013

MR. CHAIRMAN

We thank you for this opportunity to present your committee with our views regarding the Bureau of Land Management's (BLM) budget request for FY 2014. As a national, non-profit organization with more than 700 members, comprised principally of retired, but still dedicated, BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands (NSPL). The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by 1) encouraging professionalism of its employees, 2) increasing the public's understanding of and support for the proper management of the NSPL, and 3) promoting scientific management of lands administered by the BLM.

The PLF, like others, is somewhat handicapped in providing testimony on the FY 2014 budget. The budget was only made public last week and we have not been able to fully analyze the effects on the many BLM programs. Nevertheless, we feel it is important to highlight some of the important issues facing the BLM in managing the Nation's NSPL.

Overview

Some of the most significant management challenges for the BLM stem from rapid population and urban growth in the West and accompanying increased demand for access to, and use of the lands and resources of the NSPL. The BLM's stakeholders are as diverse as the natural resources the Bureau manages. Each of these stakeholders holds their special interest in the lands high and passionately defends it over other uses of the land.

The public lands provide the Nation with opportunities for expanding the development of renewable energy as well as the traditional needs for oil, natural gas, coal, non-energy minerals, grazing land, and timber. Recreation, wildlife habitat, wild horses, cultural resources and special places are significant attributes of those lands as well.

BLM management activities contribute to the vitality of state and local economies, generating expected revenues in excess of $4.5 billion in FY 2013, mostly from energy development. The multiplier effect from the use of these lands greatly expands the economic benefits to communities many times. According to the *Department of the Interior Economic Contributions* report of June 21, 2011, the public lands generated a combined economic effect in excess of $120 billion and over 550,000 full and part-time jobs. However, these revenues are best achieved when there is some balance in the programs to provide for the diversity of uses and maintenance of healthy landscapes.

Budget Overview

The PLF recognizes the difficult situation the Nation is in and fully appreciates the hard decisions that must be made, by Congress and the Administration, to reduce the budget deficit. To that end, the PLF is supportive of BLM budget requests that support the wise development of energy resources, both traditional and renewable, that provide opportunities to reduce dependence on foreign sources while generating revenues. At the same time, the wise development of these resources provides needed jobs in our rural communities. The energy program should be adequately funded to assure that it is properly carried out and there is necessary oversight to assure that all producers of energy are complying with laws and lease terms, and accurately reporting production. This will result in revenue generated for the U.S. Treasury.

The BLM is to be commended for its work to establish Solar Energy Zones. These will prioritize locating renewable energy opportunities in areas best suited for the development of renewable resources while allowing more efficient use of BLM and industry resources, workforces, and funds.

The development of energy resources, traditional and renewable, does not come without effects on other resources. Funding other high value resources can help mitigate and offset some of the effects on the landscape. The potential listing of sage-grouse as a threatened or endangered species under the Endangered Species Act is of great concern. The BLM, as the stewards of the majority of this species habitat, has been working diligently with the Fish and Wildlife Service, Natural Resource Conservation Service, Forest Service, state wildlife agencies, state and local governments, and resource users to develop and implement conservation plans for this bird that will hopefully lead to a not-warranted finding by the U.S. Fish and Wildlife Service. Species listing leads to lengthy and expensive processes. The money spent on process could be better spent on implementing conservation practices for the sage-grouse, preventing the listing of other species, and helping to recover species already listed.

Recreation is one of the fastest growing uses of our public lands and can have a significant economic impact. A large and growing part of our population in the West now lives within an hour's drive of BLM managed lands. However, this use, like others can also have significant negative effects on the landscape if inadequate funding affects proper management and enforcement.

The National Landscape Conservation System (NLCS) is comprised of some of the most unique and valued landscapes in the Nation's vast holdings. These areas are incredibly diverse and have been designated for their outstanding cultural, ecological, and scientific values. They also provide working landscapes where it can be demonstrated that multiple use can be practiced on areas with outstanding conservation values. Management of the NLCS has long been underfunded.

The Federal Land Transaction Facilitation Act (FLTFA) has sunset and is being considered for reauthorization. The PLF supports reauthorization as it has allowed the BLM to transfer into private ownership and use lands that the BLM has determined to be available for disposal through land use plans. Revenue generated from the sale of these lands has allowed the Bureau to acquire valuable lands and access to public lands from willing sellers, as well as funding administration of the Act.

Of all of the challenges and opportunities facing the BLM, probably none receives more passionate public input than the Wild Horse and Burro program. We are dismayed that, despite repeated efforts by the BLM, the issue seems unsolvable and the Bureau continues to be stymied in implementing solutions that are acceptable to the American public to provide for the welfare of the animals and the health of the range. The current situation is unsustainable, but this program must continue to be funded as there are approximately 50,000 animals in holding and another 37,000 on the range. At some point Congress must step in and pass legislation that provides more specific guidance on this program.

BLM's vast portfolio includes programs such as the Rangeland Resource Program and the Public Domain and O&C Forestry programs. These important programs provide management tools for the restoration and maintenance of healthy landscapes, while at the same time providing raw materials, employment opportunities, and quality of life for many throughout the rural West. These programs should receive adequate funding to allow them to maintain their mission as part of BLM's vast portfolio.

Land use planning is the foundation upon which all BLM management decisions are built. Out of date and inadequate plans lead to increased litigation, adding greatly to BLM's management costs and frustrating efforts to implement programs. Resource Management Plans are designed to last for 15 to 20 years. Without adequate funding, the BLM will be hampered in its efforts to

affect long term management changes and implement many of the programs that can provide employment, raw materials, and quality of life for the American citizens.

The PLF strongly supports the dedicated professional employees of the BLM and other agencies. Public employees have stepped up to the plate to contribute their share to the deficit issues facing the Country. For the last several years these committed public servants have done their best to implement the wishes of the Administration and Congress. However, when appropriations and budgets are not known until six months into the fiscal year, it leaves the employees to scramble to implement projects efficiently in the few months remaining. The process is broken and there are many reasons for this. We ask that this subcommittee do what it can within its powers to help fix the process.

Mr. Chairman, we do appreciate the hard choices that this Subcommittee has before it. We hope that our comments will be of help as you work through the FY 2014 budget process. Due to the late release of the President's Budget, we ask for the Subcommittees indulgence to allow PLF to follow up this statement with more specific information in the coming days and weeks as we more fully analyze BLM's budget request.

/S/

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Mr. SIMPSON. Thank you. And when you find the solution for horses and burros, please let us know. We have spent a lot of years trying to find one. It is one of the challenges that we face for sure.

Brenda.

TUESDAY, APRIL 16, 2013.

PUBLIC LANDS COUNCIL

WITNESS

BRENDA RICHARDS

Ms. RICHARDS. Chairman Simpson, members of the subcommittee, I thank you for inviting me here today to testify on behalf of public lands grazing industries, interior environment, and appropriations priorities. My name is Brenda Richards and today I am representing the Public Lands Council, the National Cattlemen's Beef Association, and the Idaho Cattle Association. I currently serve as vice president of the Public Lands Council and it is the only national organization dedicated solely to representing public lands sheep and cattle ranchers.

I am also a rancher in Owyhee County, Idaho, where my husband and my three sons, who are fifth-generation at this business, help run our operation together.

Livestock grazing represents the earliest use of the land as our Nation expanded westward, and today, it continues to represent multiple use that is essential not only to the livestock industry but wildlife habitat, open space, and rural economies of many of our Western communities.

I would like to begin by thanking you, Chairman Simpson, and your subcommittee for your recognition through past funding decisions of the importance of this livestock grazing to the management of the federal lands and to the rural economies of the West. You have increased funding to the range programs in fiscal year 2012 and subsequent continuing resolutions and reduced the regulatory burdens stemming from federal agencies that continue to hamper our productivity and profitability of the Nation's ranchers. In so doing, you have had a very positive influence on the business stability of the public land ranchers and consequently on the environment and the communities of the West.

However, it cannot be said and that all is well for the Western ranching families like my own. In times of constant and growing regulatory threats and resulting environmental litigation on public lands, it is no wonder that in counties like my own, which is 78 percent federal land, our AUMs have been reduced by over 30 percent in the past few decades. In our county, in Owyhee County, the majority of the ranchers depend upon forage from the BLM-managed land to supplement the private base, the tax base, and these numbers are more than statistics. We are being threatened, our livelihood, our families, the communities, and the generations of old traditions. These communities are the backbone of our economy and our county.

Our industry is important not just to the people; it is crucial to the management of that land and the resources. The ranchers are

the ones that are out there day-to-day, 24/7. We watch over the land and the resources and our livelihoods depend upon it. Well-managed grazing improves the health of the range and the resources, reduces the fine fuel loads that lead to those catastrophic wildfires. Our water improvements create wildlife habitat where none existed before, and continued grazing on public land allows the associated private lands to stay in ranching instead of being developed, which allows for multiple use and un-fragmented habitat.

It is crucial we take a hard look at the laws and regulations and how they are playing out on the ground to the detriment of the industry. NEPA, due to a series of unfortunate court decisions, is required on the grazing permits. A lack of agency range personnel and the resources to carry out their jobs has contributed to a massive backlog of permits waiting to undergo the NEPA review. Because these resources are spread so thin, much of the documentation is done in an untimely fashion or is incomplete leaving it open to litigation by radical anti-grazing environmental groups often funded by taxpayer dollars, and in turn, the litigation cycle worsens.

Not only is funding to the agency's range budget crucial, but we count on the writer language that your subcommittee has prudently included in every appropriations measure for more than 10 years. This allows our grazing to continue on permits as we await NEPA review. And we thank you for that and we encourage you to consider and work towards making this language permanent.

Another threat and definitely one of the most eminent for Owyhee County ranching community is the BLM's treatment of the potential listing of the greater sage grouse. In a backroom settlement agreement with radical environmental groups, it called for a listing decision by 2015. In Owyhee County, another court order is already driving the BLM to reduce livestock grazing. The first of 68 grazing permit decisions has recently come out calling for a 45 percent reduction in AUMs and contains language indicating that the agency intends to continue this trend based upon faulty sage grouse information. This is despite the fact the bird is not yet listed and the grazing and sage grouse are historically and scientifically proven to be compatible, and that without grazing, the threat of wildfire is far greater than any other existing threat to the bird.

Ranchers, with our local and state government, we are doing everything we can to prevent a listing, but with litigation-based decisions, we lose hope of having a positive influence. We are mostly focusing on keeping our operations afloat. We plead with you to do everything you can to keep ranchers in the picture on the sage grouse conservation effort and we need this more than ever at this time.

As you know, there is much more to address than grazing programs and the sage grouse. We also count on you to help rein in EPA's unprecedented attempts to regulate the very elements we depend on, which is the water and soil. You have rightfully prevented the Wildlands Administration designation and limited the expansion of the federal and state Land and Water Conservation Fund. And when the cost of maintenance backlogs registers in the hundreds of millions to do this, we need the funding to go elsewhere.

We also would ask that you use the power to prevent the Administration's most damaging proposal, such as imposing a crippling, arbitrary new grazing tax on the ranching families or using NEPA to drive a climate change agenda.

I have these requests and others in my written testimony and I am asking you to help with the public lands ranching and families like mine in business. We are not looking for a handout. We are just looking for relief from the regulations that result in the litigation. And I speak from the heart when I say thank you for calling me here today, giving me the opportunity to communicate this for what is truly a concern for my family and our ranching communities. Thank you.

[The statement of Brenda Richards follows:]

BRENDA RICHARDS

PUBLIC WITNESS TESTIMONY ON BEHALF OF

PUBLIC LANDS COUNCIL, NATIONAL CATTLEMEN'S BEEF ASSOCIATION AND IDAHO CATTLE ASSOCIATION

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

APRIL 16, 2013

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

My name is Brenda Richards. I serve as vice president of the Public Lands Council (PLC) and am also a member of the National Cattlemen's Beef Association (NCBA) and the Idaho Cattle Association (ICA). While I am officially testifying on behalf of PLC, NCBA and ICA, as a cattle rancher actively involved in our five-generation family business, I personally appreciate the opportunity to share with you the western livestock industry's priorities for fiscal year 2014 (FY 14) appropriations regarding the Bureau of Land Management (BLM), U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (USFWS) and the Environmental Protection Agency (EPA).

PLC, NCBA and ICA share the mission of supporting a stable business climate in which their members are able to conduct economically viable and sustainable livestock businesses operating on a combination of private and public lands. PLC is the only national organization dedicated solely to representing the roughly 22,000 public land ranchers. PLC has sheep and cattle affiliate organizations (including ICA) from thirteen western states, as well as three national affiliates: NCBA, the American Sheep Industry Association (ASI) and the Association of National Grasslands (ANG). NCBA is the nation's oldest and largest national trade association for cattlemen, representing more than 140,000 cattle producers through direct membership and their state affiliates. ICA is the official voice for all segments of the beef industry in Idaho, representing the interests of more than 9,000 cattle producers across the state.

First, I would like to thank the subcommittee for your recognition, by increasing funding of the range management programs in the fiscal year 2012 (FY 12) and subsequent continuing resolutions (CRs), of the importance of livestock grazing both to the management of our nation's federal lands and to rural economies in the West. I also thank you for recognizing the importance of reducing the regulatory burdens stemming from federal agencies that continue to hamper the productivity and profitability of our nation's ranchers. Below, I outline the environmental and economic need for a thriving ranching industry, along with a list of our FY 14 appropriations priorities which will support our industry.

Environmental Benefits of a Stable Public Lands Grazing Industry

Public land ranchers own nearly 120 million acres and manage more than 250 million acres of land under management of the BLM and USFS. These ranchers provide food and fiber for the nation, protect open spaces and critical wildlife habitat, and promote healthy watersheds for the public. Wildlife depends on the habitat and water sources these ranchers provide. In the West,

where productive, private lands are interspersed with large areas of rockier, less desirable public lands, biodiversity of species depends greatly on ranchland. Should these ranchers go out of business, their private lands would likely be converted to uses less hospitable to wildlife. Furthermore, ranchers across the West are purposefully implementing grazing practices to improve habitat and help prevent the listing of species such as the Greater Sage-Grouse. Well-managed grazing encourages healthy root systems and robust forage growth—and reduces the risk of catastrophic wildfire, one of the West's biggest threats to wildlife, watersheds, property and human life.

Economic Benefits of a Stable Public Lands Grazing Industry

Countless communities across the West depend upon the existence of the public lands rancher. Approximately 40 percent of beef cattle in the West, and half of the nation's sheep, spend some time on federal lands. Without public land grazing, use of significant portions of state and private lands would necessarily cease, and our industry would be dramatically downsized—threatening infrastructure and the entire market structure. In my own county of Owyhee, 78 percent of the land is publicly owned, and our ranchers' dependency on public land forage during the spring and fall is about 85 percent. A 1992 Census of Agriculture for two Idaho counties revealed that two out of three commercially viable ranches held federal grazing permits. I know that many communities across the West depend just as we do on the tax base, commerce, and jobs created by the public lands grazing industry.

Challenges Facing Industry and the Agencies

Despite the broadening acclaim for public lands livestock grazing's environmental and economic benefits, today's public land livestock industry faces intense challenges, making stability and long-term planning increasingly difficult. Wildfire and drought are destroying infrastructure, forage and livestock. Meanwhile, burgeoning government regulation and the resulting litigation demand ever-greater investment of both financial and human resources. Many grazing permits are in jeopardy due to a significant agency backlog of analysis under the National Environmental Protection Act (NEPA). This in turn is facilitating litigation by extreme, predatory "environmental" groups, many of whom use taxpayer dollars to wage war against public lands grazing. The following detailed requests are concrete ways to promote good range management, stymie the vicious cycle of litigation, and promote the continued presence of ranchers on the range:

Range Programs – BLM & USFS

We sincerely appreciate the increases Congress provided to the BLM and USFS range programs in FY 12 through FY 13 and ask that those funding levels continue in FY 14. Range personnel positions are being eliminated or not being filled, and resources are scarce for completion of NEPA and other environmental documentation, contributing to backlogs and the resulting environmental litigation. We request that you appropriate funding to BLM and USFS range programs with levels equal to those of FY 12.

Specific to Bureau of Land Management

We find BLM's sustained position that livestock trailing and crossing permits require NEPA analysis problematic. We commend Congress for including language in the FY 12 appropriations bill to exempt this crucial activity from the NEPA process. Unfortunately, the language has not

been interpreted as Congress intended. We request that you deem trailing and crossing a minor agency action exempt from NEPA analysis.

We ask that you continue to block funding for implementation of Secretarial Order No. 3310, the "wild lands" order, which creates *de facto* wilderness and poses a threat to the continued multiple use of BLM lands.

Specific to U.S. Forest Service
USFS is in the beginning stages of implementing a new forest planning rule that is threatening to all multiple uses on National Forest System (NFS) lands. We encourage you to make funds available for implementation of the new plan on only the "early adopter" forests until Congress is able to confirm the rule will actually streamline the planning process.

Grazing Permits and NEPA
The backlog in processing permits is projected to remain a persistent issue for both the BLM and the USFS; we request Congress continue to support and make policies available that will help the agencies work through this process. We thank you for extending the statutory language on timing of completion of NEPA through FY 13 to ensure that grazing permits remain intact, without disruption, while the agencies work through the backlog of grazing permits requiring renewal. We encourage Congress to make this authority permanent as backlogs are likely to continue into the future. We also appreciate the inclusion of language providing for the transfer of permits from one party to another under the same terms and conditions. This will streamline the agencies' resources and make the program more efficient overall.

Sage Grouse
Due to a backroom settlement agreement between the USFWS and radical environmental groups, an arbitrary deadline has been set for an ESA listing decision on the Greater Sage-Grouse. Its habitat covers 11 western states where ranchers are currently providing open space and improving its habitat. Rather than embracing the research-supported benefits of grazing, the agencies are beginning to make arbitrary decisions to reduce and eliminate livestock grazing on public lands. In my home county of Owyhee, a separate court order is driving the BLM to conduct environmental assessments and permit renewal work on 68 grazing permits, ostensibly in the name of sage grouse habitat conservation. The first of these permit renewal decisions was issued this month; it calls for over a 45 percent reduction in grazing. No ranch can sustain such a massive cut and remain viable. This decision also contains troubling language indicating that the agency intends to continue drastically reducing grazing in the name of sage grouse. We request that Congress provide direction to the agencies (BLM, USFS, & USFWS) to defer to state sage grouse management plans, and that it extend the 2015 deadline for USFWS' decision on the sage grouse.

NEPA Climate Change Proposed Guidance
In light of the President's recent announcement to include climate change considerations in every NEPA analysis, we encourage you to block the abuse of this law to push an economically damaging agenda not supported by Congress.

Federal Grazing Fee
Our industry supports the federal grazing fee established by the 1986 Executive Order requiring adherence to the Public Rangelands Improvement Act (PRIA) formula. The formula is based on

market criterion and accurately reflects the cost of operating on public lands. In order to provide stability to the industry, increases and decreases to the fee are limited to 25 percent in a given year. We request that you reject and block any attempts to effectively raise the fee via taxes or arbitrarily change the federal grazing fee formula.

Land Acquisition
We are strongly opposed to the use and funding of the Land and Water Conservation Fund for land acquisition. During a time of strained budgets and already-inadequate federal land management, we find imprudent any proposal to expand the federal estate.

Economic Analysis of Grazing on Public Lands
There continues to be a gap in the analysis regarding the true economic contributions, both direct and indirect, of livestock grazing on public lands. We believe the figures currently being used by the BLM and USFS greatly underestimate the actual jobs supported by and economic impacts generated by public lands grazing. We request that Congress provide the funding and resources necessary to adequately analyze the full economic benefits provided by public land ranching.

Domestic Sheep Grazing
Spurious science regarding impacts our industry may have on big horn sheep populations has the potential to drive USFS to continue making decisions damaging to the domestic sheep grazing industry. We believe a thriving population of big horn sheep is possible to achieve without jeopardizing private industry; industry has already provided over $100,000 to ongoing research to find a vaccine to protect them from pneumonia-related threats. Meanwhile, we ask that Congress provide language requiring the USFS and BLM not to reduce or restrict domestic sheep grazing due to bighorn sheep unless alternative forage of similar quality and composition is made available in a timely manner.

Range Improvement/Betterment Funds
We appreciate your continued support for BLM range improvement funds and USFS Range Betterment funds (RBRB), which are critical to our members' ability to stay in business and implement practices that improve forage condition, water availability, and wildlife habitat.

Cheatgrass Research
As many as 60 million acres are either infested or susceptible to cheatgrass invasion, which increases wildfire frequency and intensity. We support an increase in funding to continue research that is perfecting the use of livestock grazing for cheatgrass control.

EPA Overreach
Our industry supports language that prevents the EPA from endangering our nation's food supply and over-burdening our nation's farmers and ranchers. We also support preventing the EPA from unilaterally expanding its authority through guidance documents or rulemakings, and we support maintaining the federal/state partnership in the regulatory process.

Keeping ranchers in business is good policy for conservation of both private and public land. By making well-placed appropriations, your subcommittee can promote greater stability for the livestock industry, a renewed focus on long-term resource management, enhanced agency efficiency, and continuation of the broad public benefits provided by both public and private lands in the West. Thank you for the opportunity to testify.

Mr. SIMPSON. Thank you. Alan.

TUESDAY, APRIL 16, 2013.

THE WILDERNESS SOCIETY

WITNESS

ALAN ROWSOME

Mr. ROWSOME. Mr. Chairman, on behalf of The Wilderness Society and our 500,000 members and supporters, I thank you for the opportunity to testify today. I also would like to thank Congressman Graves and your staff for your commitment to our public lands and stewardship of our natural resources.

Before starting, it seems important to acknowledge that the budget times we currently live in command creative and innovative problem-solving, which we know the Committee is undertaking. But at the same time the allocation likely to be given to the Interior Environment-related bill will be insufficient to meet many of the needs we all know exist on our public lands.

Mr. Chairman, looking at the photos behind you and the iconic wilderness areas included there, it is not lost on me that 2014 is the 50th anniversary of the Wilderness Act, a time when we should be celebrating the importance of wilderness and the backcountry experience it provides that so many Americans cherish.

Unfortunately, rather than celebrating these crown jewels of our Nation such as the Frank Church wilderness area in your own home state, we are facing a crumbling trail system there that is in desperate need of repair. The Forest Service maintenance backlog has far surpassed annual trails budgets and now stands at $314 million. Trails maintenance and construction budgets have increased by only 1¾ percent since 1980. For a comparatively small investment, we should be able to improve this program, provide greater access, avoid environmental degradation, and better highlight the iconic wilderness areas around the country. We urge the Committee to increase the trails maintenance and wilderness accounts of all four land management agencies as we approach the 50th anniversary of the Wilderness Act.

In addition, it is no surprise that the Land and Water Conservation Fund is our highest priority in the fiscal year 2014 budget. The President's request for the program of $600 million, including, for the first time, a request for mandatory funds, is prudent given that it will connect the iconic trail systems of our Nation while investing heavily in the purchase of conservation easements that keep working forests and ranches productive.

By also restoring the UPAR program while providing robust funding for National Park Estate Grants, Forest Legacy, and the Cooperative Endangered Species Fund, LWCF is providing more grants to states than ever before. The remaining LWCF federal acquisition dollars in the fiscal year 2014 budget will go to critical in-holdings in places like Glacier National Park, which will allow the Park Service to consolidate management and reduce costs associated with law enforcement while allowing for the removal of structures to return the land to its natural condition resulting in

improvement of habitat and allowing NPS to manage the parcels more efficiently and in accordance with the surrounding parkland.

Another high-priority program we urge the Committee to support is the Legacy Roads and Trails Remediation Program. A good recent example of this program at work has occurred in the Okanogan-Wenatchee National Forest over the past several years. The Forest Service and local landowners had a serious challenge there to provide continued recreational and private land access while also addressing the needs of Fish and Wildlife. The solution required this cooperation of many partners and included decommissioning the most problematic part of the road, extensive stream and floodplain restoration on private lands, and implementation with both government and private contractors working together. The resulting partnership led to 2 miles of creek restoration, improved cover and spawning habitat for trout and salmon, better water flows, and enhanced capability to handle flooding without road damage or lost access, all while creating local jobs. It is these types of success stories this committee should be investing in.

TWS is also a strong proponent of transitioning our country to a sustainable energy economy by developing our renewable energy resources quickly and responsibly. We believe renewable energy is an appropriate use of the public lands when sited in areas screened for habitat resource and cultural conflicts. Identifying and avoiding these conflicts early on is essential in these fiscally constrained times. For example, planning for renewable energy in places like Southern California, where we have the Desert Renewable Energy Conservation Plan, will help avoid costly conflict and delays.

This budget should also include needed funding to designate transmission corridors in low-conflict places on public lands to ensure future lines can be sited with confidence in places like Idaho, Washington, and California.

In addition to these critical priorities, we have also highlighted a number of conservation programs in our written testimony that The Wilderness Society recommends providing robust funding for. While Conservation represents a scarce 1-¼ percent of the overall federal budget, according to a new study released this last week by Rob Southwick and Associates, the economic impact of outdoor recreation, natural resource conservation, and historic preservation in the United States is a staggering $1.7 trillion in economic activity returning $211 billion in federal, state, and local governments through tax revenue and supporting 12.8 million jobs annually.

The programs in your bill are prudent investments that help local economies create jobs and provide livable, sustainable communities. The Wilderness Society appreciates your commitment to our public lands and wild places and we look forward to working with you now and in the future to ensure that we steward our Nation's natural resources in a responsible, balanced way.

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

[The statement of Alan Rowsome follows:]

Written Statement of Alan Rowsome
Director of Conservation Funding at The Wilderness Society
before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2014 Interior and Related Agencies Appropriations Bill
April 16, 2013

The Wilderness Society (TWS) represents more than 500,000 members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. We thank the subcommittee for the opportunity to submit comments on the Fiscal Year 2014 Department of the Interior and Related Agencies Appropriations Bill.

We understand that tough budgetary decisions will need to be made in this fiscal year, however, when deciding on funding that affects hundreds of millions of Americans, we must take into account the full economic, social, environmental and cultural value of the many programs managed by this subcommittee. The economic impacts of Outdoor Recreation, Natural Resource Conservation and Historic Preservation activities in the United States annually generate at least **$1.7 trillion in economic activity, returning $211 billion to Federal, State and local governments through tax revenue, and supporting 12.8 million jobs annually** according to a new study released just last week by Rob Southwick and Associates.

To invest in these critical programs that provide jobs, and protect the health and economic well being of local communities, we urge bold, immediate action in support of conservation funding for Fiscal Year 2014. Specifically, TWS recommends:

Land and Water Conservation Fund
LWCF remains the premier federal program to conserve our nation's land, water, historic, and recreation heritage. It is a critical tool to acquire inholdings, expand public lands, and protect national parks, national wildlife refuges, national forests, wild and scenic river corridors, national scenic and historic trails, the Bureau of Land Management lands, and other federal areas. The companion LWCF state grants program provides crucial support for state and local park acquisitions, recreational facilities, and trail corridors. LWCF also funds two other important state grant programs – the Forest Legacy Program and Cooperative Endangered Species programs – that ensure permanent conservation of important forest lands and threatened and endangered species' habitat.

- *TWS supports funding LWCF at the proposed $600 million*, a level which will support the program in continuing to assist land management agencies manage the public lands more efficiently and cost-effectively. This is achieved through strategic inholdings acquisition which reduces internal boundary line surveying, as well as right-of-way conflicts and special use permits. In addition, LWCF investments in important wildlife and recreational habitat ensure that public lands stay public for hunters, anglers, and other outdoor recreationists for generations to come.

Department of Interior Wilderness Management
The 50th anniversary of the Wilderness Act is in 2014, providing an important opportunity to highlight the value those lands play in protecting ecosystems, wildlife, and primitive outdoor recreation opportunities across the country. We recommend that the agency wilderness management accounts be increased to provide trails maintenance, update signage, remove fencing, and fight invasive species, among other critical wilderness preservation system needs. Specifically:

- **BLM Wilderness**
  - The budget proposal of $18.687 million for wilderness management in the BLM is a strong proposal, but is still 6% lower than the FY '11 enacted level, the funding level necessary to ensure resource and visitor safety in the 221 BLM wilderness areas.
- **Fish & Wildlife Service Wilderness**
  - Adequately fund the Carhart Training Center, the Leopold Research Institute, and wilderness character baseline assessments using Wilderness Fellows.
  - On the ground, additional funds would be used to remove more fencing and other nonconforming structures; control invasive species; restore degraded hydrology; monitor effects of climate change.
- **National Park Service Wilderness**
  - Provide a funding increase for the base wilderness program from its current level of $450,000 as well as two years of total funding at $520,000 to highlight and celebrate the 50th anniversary of the Wilderness Act. Additional funding would eliminate the backlog of Wilderness Stewardship Plans, support training for all wilderness park superintendents, improve coordination with interagency Landscape Conservation Cooperatives, and provide field-based leadership to reduce the likelihood of litigation due to management inconsistencies.

BLM Onshore Oil and Gas Policy

The BLM is implementing important management reforms of its oil and gas program that is leading toward a better balance between oil and gas development on public lands and the protection of the numerous natural resource values that were put at risk by previous policies. In prior years the Administration has proposed these reforms of the BLM's oil and gas program, which TWS supports:

- *A fee on onshore federal operators designed to bring in $10 million per year for the I & E program*
- *Continuation of the $6,500 APD fee first approved by Congress for FY 10*
- *A $4.00 per acre fee on non-producing onshore leases*
- *Repeal of Sec. 365 of EPACT which diverted lease rental revenues to fund the "Permit Streamlining Pilot Offices", and prohibited the BLM from charging APD fees*

Sage Grouse Initiative

The Wilderness Society supports continued funding of the BLM's National Greater Sage Grouse Planning Strategy, which, if successful, will lead to recovery of this important western game species without the necessity of a listing under the Endangered Species Act.

BLM's National Landscape Conservation System

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

- *Support the Administration's FY 2014 proposal of $70.9 million to ensure the natural, cultural, and historical resource protection provided by the Conservation Lands for the American public.*

- *Restore the Challenge Cost Share Program at full funding of $19 million. This is a cross-cutting program within DOI, which provides a 1:1 match for volunteer activities.*

Renewable Energy
TWS is a strong proponent of transitioning our country to a sustainable energy economy by developing our renewable energy resources quickly and responsibly. We believe renewable energy is an appropriate use of the public lands when sited in areas screened for habitat, resource, and cultural conflicts. Identifying and avoiding conflicts early in the process is essential in fiscally-constrained times. With the resources requested in the FY 2014 budget, TWS hopes the Department will continue to work to establish a program that ensures the public lands can play an important role in supporting renewable energy infrastructure through expedient environmental review, suitability screening, and energy zone identification to find suitable places for needed renewable energy projects. TWS urges Congress to:

- *Support level or increased for renewable energy programs across Interior from FY 13 enacted.*
- *Support the Department's request to fund BLM's renewable energy activity at no less than $24 million to make up for the impact of the sequester.*
- *Support level or increased funding for the Fish and Wildlife Service to review and permit renewable energy projects on public and private lands.*

Offshore Oil & Gas Reform
Without an adequate legislative and regulatory framework, effective enforcement, and public transparency, the federal Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environment Enforcement (BSEE) cannot effectively oversee offshore oil and gas operations and prevent major releases. Following the BP Gulf tragedy in April 2010, the National Commission on the BP *Deepwater Horizon* Oil Spill and Offshore Drilling, the BOEMRE/U.S. Coast Guard Joint Investigation Team, and the National Academy of Engineering/National Research Council issued comprehensive reports with numerous recommendations for improvements in oversight. Additionally, in early 2013 the federal advisory committee created after the BP tragedy issued recommendations to Interior, including an important recommendation that BSEE develop Arctic-specific standards for Arctic Ocean oil and gas operations.

- *The Department of Interior needs sufficient funding on the order of a 20% increase for BSEE/BOEM to ensure that these valuable recommendations are implemented before another major offshore oil incident occurs.*

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

- *We urge Congress to support the Refuge System at the President's recommendation of $499 million.*

National Forest Restoration
TWS appreciates recent efforts to shift forest management priorities towards restoration. Programs like Legacy Roads and Trails and Collaborative Forest Landscape Restoration are key to ensuring restoration efforts are successful and Congress should continue to prioritize funding for these programs. For the past five years, the Legacy Roads program has provided an essential source of funding to simultaneously restore healthy watersheds and improve recreational access in the national

forests by focusing on roads and trails where lack of maintenance threatens water quality and aquatic species. The success and broad bipartisan support for the Collaborative Forest Landscape Restoration program speaks for itself. We also look forward to the results of the 3-region test pilot for Integrated Resource Restoration (IRR). However, we do not recommend that the IRR pilot program be expanded until the test regions have had several years to prove that IRR can create improved restoration outcomes without a loss of program transparency and accountability. To achieve forest restoration goals in FY 13, TWS recommends that Congress:

- *Fully fund the Collaborative Forest Landscape Restoration Program at $40 million;*
- *Keep Legacy Roads and Trails funding consistent by providing $45 million.*
- *Continue the IRR as a 3-region pilot program, and work closely with the Forest Service and stakeholders to ensure transparency and accountability for the activities and outcomes of the pilot program.*

Forest Service Planning, Inventory, and Monitoring

The Forest Service Inventory and Monitoring program funds the collection of targeted information that forms the basis for the revision of outdated forest plans. The program also funds forest plan monitoring activities to ensure that plans are meeting goals and to facilitate adaptive management and course corrections if necessary. TWS recommends:

- *Providing adequate and consistent funding to avoid a freeze in forest plan revisions, fewer restored watersheds, less resilient forests, and more risks to water quality and quantity, wildlife, and recreation.*

National Forest Wilderness and Recreation

America's National Wilderness Preservation System is an international model for land conservation. Yet our wilderness areas are suffering from a lack of funding. Trail maintenance, law enforcement, monitoring, and user education are all significantly underfunded, leading to an erosion of wilderness values and a diminution of the experience for wilderness visitors. Without adequate resources, our wilderness areas and the recreation opportunities they provide will continue to suffer. In order to stretch limited dollars in the face of growing needs, the Recreation, Heritage and Wilderness program has grown increasingly reliant on partnerships to accomplish work. While beneficial in terms of leveraging funds and community outreach, this has the side effect of making the program particularly vulnerable to budget cuts.

- *We urge Congress to support wilderness and recreation by restoring funding to the FY12 level of $281.2 million for the Recreation, Heritage and Wilderness Program.*

National Forest Trails

There are 155,600 miles of trails in the National Forest System. These trails provide 50 million visitor days of cross-country skiing, hiking, horseback riding, mountain biking, and off-road vehicle use each year. The number of annual visitor days has grown 376% since 1977, and the total mileage of trails has grown 56.9% to accommodate this use. Unfortunately, the trails maintenance and reconstruction budget line item has remained essentially flat since 1980, after adjusting for inflation. In FY2012 the trails budget was actually cut 4% to $81.982 million. As a result, by the beginning of FY2013, the system had accumulated a backlog in trail maintenance of $314 million, up from $289 million the previous year. Currently, the agency is able maintain only a third of its trail miles to a minimum standard condition. In FY2013, even less funding will be available because of sequestration.

- *In light of the history and conditions we describe above, we urge the House to fund the U.S. Forest Service Capitol Improvement and Maintenance Trails account at its FY 2011 level of $85,381,000 in FY 2014.*

Mr. SIMPSON. Thank you. And I appreciate all of your testimony. It is, as I said with every panel, a challenging time. But, you know, it is kind of funny that a lot of people think that we in the West are upset with public lands and so forth. Actually, we like public lands. That is why we live there because the access it gives us to the things we like to do.

Mr. ROWSOME. Correct.

Mr. SIMPSON. But you bring up some really interesting things.

Brenda, you mentioned 30 percent reduction in AUMs over the last 20 years. And understand, nobody has ever been paid for one of those reductions in AUMs, but the fact that you graze on public lands is ultimately tied to the value of your private land and so forth and the ability to graze on these public lands.

I have got a lot of questions I just do not have a lot of the answers. What we could do if just half of the amount of money that we spend in court could actually be used improving our public lands, and we have come to a situation where we are obviously a sue-happy society or there are groups that want to sue on every decision they make and judges that are willing to make determinations of how public lands should be managed regardless of whether Congress appropriated any money for them, sage grouse being a perfect example. They said you will make a determination by the end of next year regardless of whether Congress gives you any money for it or not. It is going to be a real challenge.

And again, if you can figure out what to do with wild horses and burros, Erica is waiting to hear. But I appreciate all of your testimony.

Tom, did you have anything?

Mr. GRAVES. No. No, thank you.

Mr. SIMPSON. Thank you. I appreciate it. You bet.

Next, we have Gary Werner, Andy Oliver, Todd Hallman.

Mr. SIMPSON. I have walked every one of these trails. Well, not really but I have thought about it.

Mr. WERNER. You know what? I have, too.

Mr. SIMPSON. Go ahead, Gary. You are up.

TUESDAY, APRIL 16, 2013.

PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

WITNESS

GARY WERNER

Mr. WERNER. Mr. Chairman and Congressman Graves, I am Gary Werner. I am with the Partnership for the National Trails System. I am here today representing your nonprofit partners in the collaborative venture to sustain, build, maintain, protect America's 30 national scenic and historic trails. And as your partner, I want to thank you for the essential and consistent support you and your colleagues have given over the years to this grand venture in public lands stewardship.

I also want to report to you that for the third consecutive year in 2012 citizen volunteers provided almost 1.2 million hours of volunteer labor towards these trails, and the value of that labor plus

the additional financial support raised by the nonprofit organizations amounted to $33.8 million of support for the National Trails System, which I have to say parenthetically is more than you and your colleagues were able to appropriate to the Park Service, the Forest Service, and the Bureau of Land Management to operate these trails.

So we have several recommendations as your partners to help strengthen and more efficiently provide these wonderful resources for the American public. First, as you know, the trails are a work in progress. None of them are totally finished. So we ask you to increase funding for the National Park Service, the U.S. Forest Service, and the Bureau of Land Management to administer and manage the trails, specifically $16.2 million for the Park Service, $8.7 million for the Bureau of Land Management, and $9 million for the U.S. Forest Service.

We also strongly support the Challenge Cost Share Program of the Park Service, Bureau of Land Management, and the Fish and Wildlife Service as one of the most effective ways of leveraging scarce federal resources and of engaging citizens in the stewardship of public lands and resources. In the National Trails System we have consistently over the years been able to, on the average, leverage federal money 3 to 1 from the Park Service Challenge Cost Share Program and on some projects as much as 10 or 20 to 1. We recommend that you increase the funding for each of these programs and particularly for the Park Service to $4.5 million.

We have a couple of issues that we hope you can help us with. One of those involved the Bureau of Land Management's budget structure, which, as you know, is a programmatic structure based upon sub-activity accounts. However, there is no sub-activity account for all of the trails, including the National Scenic and Historic Trails or the Wild and Scenic Rivers that the Bureau administers and manages. So we ask that you direct the Bureau of Land Management to establish separate sub-activity accounts for the National Scenic and Historic Trails and the Wild and Scenic Rivers under the National Landscape Conservation System so these units are treated the same as the wilderness areas, the monuments, and the conservation areas.

Similarly, over the last several years, as one of the cost-cutting measures, all of the agencies have initiated very severe travel restrictions on their staff. You can appreciate that for trails that extend for thousands of miles that involved hundreds or sometimes thousands of partnership relationships with state and local agencies, nonprofit groups, and others, that to be able to travel to establish partnerships, to nurture those partnerships, to sustain them, the people doing the work for the Federal Government the ground need to be able to travel. So we hope that you could provide some guidance to the agencies to suggest that maybe this is an essential part of the work that is being done at least for the National Trail System if not for other aspects of the agencies' works.

Lastly, we, too, believe that the Land and Water Conservation Fund is one of the key programs of the Federal Government. It has been highly successful and we urge you to appropriate the $900 million authorized for the Land and Water Conservation Fund for land acquisition projects and also within that to provide $61.6 mil-

lion for the National Trail System Collaborative Landscape Planning Proposal that is within the President's budget.

By allocating $25 million to the Park Service, $12.6 million to the Fish and Wildlife Service, $18 million to the Forest Service, and about $5.7 million to the Bureau of Land Management, you will enable those agencies to acquire 119 parcels of land from willing sellers along 11 national scenic and historic trails in 17 states, including, among others, the crossing used by the Nez Perce Indians in 1877 to cross the Missouri River at Cow Island in Montana on the Nez Perce National Historic Trail and also to complete gaps in trails like the North Country Trail and the Continental Divide Trail, and others.

This is the first time that funding has been requested for more than a single trail, which usually has been the Appalachian Trail or the Pacific Crest Trail, the first time for the Nez Perce Trail, for instance, the first time for the Continental Divide, first time for the New England, first time for the North Country, and others. We believe that this represents the true spirit of collaboration that I think Congress has been promoting and the Administration has been promoting among agencies and with the private sector. And we encourage you to support it robustly.

With that, I thank you again for the consistent support. I bring you personal greetings from Jim Evans in Idaho. And I am happy to answer any questions you have. I also have—this is a highlight of the CLP proposal that I mentioned.

[The statement of Gary Werner follows:]

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GARY WERNER, EXECUTIVE DIRECTOR **April 16, 2013**
STATEMENT TO THE
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 19 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide **annual operations funding for each of the 30 national scenic and historic trails** for Fiscal Year 2014 through these appropriations:

- **National Park Service: $16.21 million** for **administration** of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: $380,000** for the **Ice Age Trail** and **$200,000** for the **Pacific Crest Trail.**
- **USDA Forest Service: $9.096 million** to **administer 6 trails** and **$1.2 million** to manage parts of **16 trails** administered by the NPS or BLM. **$1 million** for **Iditarod Trail** construction.
- **Bureau of Land Management:** to **coordinate its National Trails System Program: $250,000;** to **administer** these trails: **Iditarod Trail: $700,000,** the **Camino Real de Tierra Adentro Trail: $230,000,** the **Old Spanish Trail: $350,000** and to **manage** portions of **13 trails** administered by the Park Service or the Forest Service: **$4 million; $3,140,000** for operating five National Historic Trail interpretive centers; **Construction: $300,000** for the **Pacific Crest Trail.**

- We ask that you **appropriate $4.5 million** for the **National Park Service Challenge Cost Share Program** and continue to **direct one-third** ($1,500,000) for **national scenic and historic trails or create a separate $1.5 million National Trails System Challenge Cost Share Program.**
- We ask that you add **$500,000** to the **Bureau of Land Management's Challenge Cost Share Program** and **allocate it for the national scenic and historic trails it administers or manages.**

We ask that you appropriate **$61,601,508** from the **Land and Water Conservation Fund** for the acquisition of **119 tracts along seven national scenic and four national historic trails** described in the **National Trails System Collaborative Landscape Planning** proposal and allocate this funding to:

- the **Bureau of Land Management: $5,722,260 million**
- the **US Fish and Wildlife Service: $12,660,782 million**
- the **US Forest Service: $18,215,866 million**
- the **National Park Service: $25,002,600 million.**

National Park Service

The **$16.21 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided several years ago. Funding for the new **Star Spangled Banner** and **Washington-Rochambeau Trails** and **$400,000** for the Park Service to implement planning for the **New England Trail** is included

We request an **increase of $626,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail,** to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An **increase of $780,000** for the **Trail of Tears** will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. We request an **increase of $346,000** to **$866,000** for the **Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele, the Ala Kahakai Trail Association, and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail.

We request an **increase of $193,000** to **$1,708,000** for the **Appalachian Trail** to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The **$1,483,000** we request for the **4,200 mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. The **$1,389,000** we request for the **Ice Age Trail** includes a **$535,000 increase** to build partner and citizen capacity for protecting the natural and cultural resources on the Trail and Ice Age Trail lands and to provide NPS with a property manager for NPS-owned lands.

Construction: We request that you appropriate for trail construction projects **$380,000** for the **Ice Age Trail** and **$200,000** for the **Pacific Crest Trail** in the national parks crossed by the trail.

Challenge Cost Share programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. We request that you **robustly fund the Park Service, Bureau of Land Management, and Fish and Wildlife Service Challenge Cost Share programs** and appropriate **$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY14 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to **continue to direct one-third of the $4.5 million** for the **national scenic and historic trails** to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you create a separate **National Trails System Challenge Cost Share** program with **$1.5 million** funding.

USDA - Forest Service

We ask you to appropriate **$9.096 million** as a separate budgetary item specifically for the **Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail** within the over-all appropriation for **Capital Improvements and Maintenance for Trails.** Recognizing the on-the-ground management responsibility the **Forest Service** has for **1024 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **$1.2 million** specifically for these trails.

The Partnership's request of **$9.096 million** includes **$2.5 million** to enable the Forest Service and Florida Trail Association to continue trail maintenance, to control invasive species, do ecosystem restoration, and otherwise manage **4,625 acres** of new **Florida Trail** land. The **$9.096 million** request also includes **$2 million** for the **Pacific Crest Trail, $2.2 million** for the **Continental Divide Trail, $1 million** for the **Pacific Northwest Trail, $826,000** for the **Nez Perce Trail**, and **$570,000** for the **Arizona Trail.** Some of the additional funds requested will enable the Forest Service to develop Comprehensive Management Plans for the latter three trails. We also request **$1 million** of **additional funding** for construction of sections of the **Iditarod Trail**.

Bureau of Land Management

Although considerably more money is needed to fully administer the **National Landscape Conservation System** and protect its resources, we support the **$69.549 million** in **base funding** for the System the Administration requested for FY 2013. We ask that you appropriate as **new permanent base funding $250,000 for National Trails System Program Coordination, $700,000** for the **Iditarod Trail, $230,000** for **El Camino Real de Tierra Adentro Trail, $350,000** for the **Old Spanish Trail,** and **$4,000,000** for the Bureau of Land Management to manage **3,756 miles** of thirteen other national scenic and historic trails. For trail maintenance we request **$300,000** for the **Pacific Crest Trail** and **$50,000** for the **Nez Perce Trail;** and request **$3,140,000** to operate **five historic trails interpretive centers.**

We ask you to provide **$19 million** for the Bureau's **Challenge Cost Share** program and to direct **$500,000** for National Trails System projects as you have done with the Park Service's CCS program.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System,** we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY13 and to direct the Bureau to include unit-level allocations within **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the monuments and conservation areas -- within a **new activity account** for the National Landscape Conservation System in FY14. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

Land and Water Conservation Fund

The Partnership requests that you provide the authorized **$900 million** for the **Land & Water Conservation Fund** and within this amount **$61,601,508** for the **National Trails System Collaborative Landscape Planning** proposal to acquire 119 tracts along the 11 national scenic and historic trails detailed here:

Bureau of Land Management: $5,722,260 million |19 tracts | 3,687 acres

Nez Perce and Lewis and Clark National Historic Trails (ID, MT): $1,630,000 to protect natural and archaeological resources along two historic trails at Cow Island, Cow Creek, and Lolo Creek;

Pacific Crest National Scenic Trail (OR, CA): $4,092,260 for trail and resource protection within the Cascade Siskiyou National Monument, San Gorgonio Wilderness, and Whitewater Area of Critical Environmental Concern;

US Fish and Wildlife Service: $12,660,782 million | 8 tracts | 3,433 acres

Appalachian National Scenic Trail (PA): $4,300,000 for watershed, viewshed, and globally rare habitat protection along Kittatinny Ridge in the Delaware Water Gap of Cherry Valley National Wildlife Refuge;

El Camino Real de Tierra Adentro National Historic Trail (NM): $6,860,782 for resource protection and acquisition of water rights for Middle Rio Grande National Wildlife Refuge, the southwest's first urban national wildlife refuge;

Lewis and Clark National Historic Trail (WA): $1,500,000 for protection of an intact historic setting representing what the Corps of Discovery saw and experienced, and improved protection of a threatened habitat type;

US Forest Service: $18,215,866 million | 70 tracts | 5,203 acres

Appalachian National Scenic Trail (NC, TN, VA): $5,450,000 to protect priority viewsheds and unique, quality high-elevation ecosystems in the Pisgah, Cherokee, and George Washington National Forests;

Continental Divide National Scenic Trail (CO): $199,300 to provide trail connectivity, conserve alpine landscapes, and protect watersheds critical to Denver's water supply;
Florida National Scenic Trail (FL): $1,776,675 to protect the remaining three miles of gaps along the 70-miles Suwannee River section and complete resource protection for critical habitat, including riparian lands;
Pacific Crest National Scenic Trail (CA, OR, WA): $10,789,891 for trail and resource protection along the crest of the Cascades and Sierras, and the Transverse Desert Ranges from the edge of the Anza-Borrego Desert in southern CA to the Okanogan-Wenatchee National Forest in northern Washington;

National Park Service: $25,002,600 million | 22 tracts | 5,349 acres
Ala Kahakai National Historic Trail (HI): $4,250,000 to protect 59 acres along the Kona Coast with numerous historical and archaeological sites and a section of the Ala Kahakai National Historic Trail;
Appalachian National Scenic Trail (PA, VT): $3,700,000 for watershed, viewshed, and globally rare habitat protection along Kittatinny Ridge in the Delaware Water Gap of Cherry Valley National Wildlife Refuge and for an inholding in the Green Mountain National Forest;
Continental Divide National Scenic Trail (NM): $5,300,000 to re-route the CDNST off of roads onto lands that will afford spectacular views of an access to nationally significant volcanic landscapes in El Malpais National Monument;
Ice Age National Scenic Trail (WI): $3,780,000 for protection of a continuous corridor for hikers, wildlife, and management along the Eau Claire River, at the edge of the Driftless Area and within the renowned Kettle Moraine;
New England National Scenic Trail (CT, MA): $4,000,000 for trail and resource protection on two key parcels that provide campsites for hiker, connections to two community centers and contiguous open space corridor;
Nez Perce National Historic Trail (OR, MT): $1,210,000 to preserve trail and archaeological sites at the Bloody Gulch of Big Hole National Battlefield and at Old Joseph Minam State Park;
North Country National Scenic Trail (PA, WI): $2,762,600 for key trail connections between Moraine State Park and McConnell's Mill State Park in western Pennsylvania, and along the Lake Superior shoreline in Wisconsin;

The Partnership strongly supports the new **"National Rivers and Trails Initiative"** funding line included in the **National Park Service** Budget for FY 2013 as a first step to providing consistent annual funding to acquire the land needed to complete Congressionally authorized trails. We urge you to provide considerably more than the $4 million requested by the Administration for FY 2013 since the Park Service LWCF funding requests above total more than $25 million.

Private Sector Support for the National Trails System

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

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2012 the trail organizations fostered 1,185,375 hours** – an **increase of 2.4%** over 2011 - of documented volunteer labor valued at **$26,244,202** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $7,565,777** to benefit the trails.

Mr. SIMPSON. Thank you. Appreciate it. Thank you. Andy.

TUESDAY, APRIL 16, 2013.

THE WILDERNESS LAND TRUST

WITNESS

ANDY OLIVER

Ms. OLIVER. Thank you, Chairman Simpson, Mr. Graves, members of the subcommittee, and I will say all the staff, because, once again, I just want to thank all of you for, you know, giving us the opportunity to come here today and talk with you. This is just a great opportunity and we really appreciate your time and the hard work of your staff to attend to bringing this all together for us.

I am here today to testify on behalf of the Wilderness Land Trust, which is a very small nonprofit that is focused solely on working cooperatively with private landholders and the agencies to acquire in-holdings within designated and proposed wilderness areas. Completing those areas is vital to what is actually large landscape conservation. And we just want to thank you for your past support for the small, modest funding that those in-holdings accounts really require and ask for that support going forward. That amount of money really is between sort of 3 and $5 million depending on which one of the four land management agencies you are talking about.

A couple of issues BLM, with FLTFA having expired and we just want to thank you, Mr. Chairman, for your support for reauthorization of FLTFA. That is not a subject for today, but without the additional funds that come from sales through the FLTFA transactions BLM is having to leave some significant opportunities on the table. And that is unfortunate because, as you know, these opportunities are generally about once a generation or every 20 years, and just kicking the can down the road complicates things for the land management agencies.

The other issue is that in the President's budget request for the Forest Service, they have once again substituted a new Priority Recreational Access Program for the in-holdings account. We do not have any comment on the need for that Priority Recreational Access Program, but it should not be substituted for a program that has a 50-year track record of proven success and a very different focused mission from what the Recreational Access people are really hoping to achieve.

The key thing with acquiring these in-holdings is that it saves money because it gets rid of the management inefficiencies and helps the private landowners who, when they are ready to sell, they were basically promised in the Wilderness Act that the government would step in and acquire their lands. And so it helps them when they are ready to do that. It just allows the agencies the opportunity to act when needed.

The key thing here is consistent funding. We are not asking for huge bump ups. It is just that there needs to be money there to actually acquire these lands when they come available.

I will just give you from the Wilderness Land Trust perspective. Over the last 20 years the Wilderness Land Trust has completed the acquisition of 366 parcels totaling 38,333 acres within 85 designated or proposed wilderness areas, and we have actually completed 12 wilderness areas. And that is the success of that just being able to acquire those things.

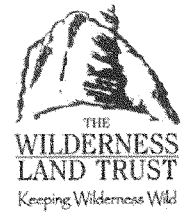
I see that my time is running out, sir, so I just want to let you know that there are opportunities that are coming up that we are hoping that we will be able to take advantage of. The family that has long owned the last in-holding in the Hells Canyon wilderness area in Idaho has offered it for sale, and we are in communication with them on it. There are a lot of other opportunities coming our way and we really ask for your support.

Thank you for the opportunity to testify.

[The statement of Andy Oliver follows:]

Testimony of:
Andy Oliver, Consultant
The Wilderness Land Trust

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
April 16, 2013



Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, my name is Andy Oliver and I am a consultant for the Wilderness Land Trust. We are a small not-for-profit organization focused on protecting designated wilderness by working cooperatively with landowners who own private property within designated and proposed wilderness areas. We acquire such properties from willing sellers with the intent to transfer ownership to the United States.

Last year our President, Reid Haughey, testified that continued modest funding of the Inholding Accounts for the four land management agencies within the Land and Water Conservation Fund is vital to the success of securing and preserving wilderness designated by Congress, while treating private landowners within these areas fairly.

I am before you today to thank you for your support for such modest funding in Fiscal Year 2013 and to ask for that support once again. An appropriation of between $3 and 5 million to each of the land management agencies, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service and the National Park Service, is sufficient to enable the agencies to acquire high priority inholdings from willing sellers. Support for these accounts:

- Saves money by eliminating management inefficiencies that frequently exceed the cost of acquisition;
- Helps private landowners within federally designated wilderness and other conservation areas; and
- Allows the agencies to act when opportunities occur to acquire inholdings, often only once a generation.

The Wilderness Land Trust
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Follow our progress from our website
www.wildernesslandtrust.org

We are not asking Congress to undertake a new acquisition program or to significantly increase current appropriation levels. We ask that Congress continue to complete the wilderness areas it has designated, and to provide private landowners who wish to sell the opportunity to transfer their land within those wilderness areas to public ownership.

The program to acquire inholdings in designated wilderness areas has a 50-year track record of proven success. As a measure of this success, over the last 20 years the Wilderness Land Trust has completed the acquisition of 366 parcels totaling 38,333 acres, or nearly 60 square miles of land within 85 designated and proposed wilderness areas. Our work has completed 12 wilderness areas in eight States, eliminating development threats and assuring that future generations can enjoy the enduring resources of wilderness.

Other organizations have made progress as well. For example, in FY2012, funding for the Forest Service critical inholdings program secured 24 acquisitions in 16 states. The average cost of the acquisitions was $105,714 and the average size was 153.8 acres.

Consistent funding for the inholding accounts is vital. Without consistent funding, numerous opportunities to acquire private parcels within designated wilderness areas and other congressionally identified areas worthy of protection will be lost, often for at least another generation.

This year, critical acquisitions cannot be completed without a commitment to inholding acquisition. For example:

- The only inholding within the Hells Canyon Wilderness in Idaho has been offered for sale by the family that has long owned it. Acquisition of this key parcel will complete the wilderness, help this family with its generational change and keeps the promise that when wilderness inholders want to sell, the United States will acquire their properties now surrounded by designated wilderness;
- East Fork High Rock Canyon Wilderness in Nevada includes historic reminders of the settlement of the west in the mid-19th Century. It also includes one remaining inholding. When transferred to federal ownership this wilderness will be complete and the family ranching operation will be successfully reorganized so the next generation will continue; and,
- The Elkhorn Ridge Wilderness is less than 1/4 of a mile from Highway 101 in Northern California. But "you can't get there from here". The access to the wilderness is blocked by 40 acres of private land. When acquired, this beloved wilderness that stretches toward the sea from Highway 101 will be accessible to the many youth groups that covet this summit to sea hiking and educational wilderness experience.

Since last year, a total of 9 properties in four states, Arizona, California, Colorado and Nevada have been acquired and transferred or are in the process of being

transferred to federal ownership by The Wilderness Land Trust. Other organizations have done additional work. The average purchase price of the properties we transferred this past year that were paid for through the inholding accounts was $85,883 apiece, at less than $1,000 per acre. Pretty low. The support you showed for these transactions inspired the donation of just over $3.2 million of wilderness inholdings in the same period through our organization. This exemplifies the commitment of your constituents to the acquisition of wilderness inholdings and the fair treatment of inholding landowners.

There is more work to be done. Within the boundaries of our federally designated Wilderness Areas there remain more than 400,000 acres of privately owned land. While the Wilderness Act defines Wilderness Areas as places where "the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain," private landowners rightly retain their rights to build roads, homes and other buildings, extend utilities, and extract minerals and timber.

We have projects ready to go and queued up with the owners of inholdings within wilderness. Additional opportunities are emerging in the Owyhees Wilderness Areas and throughout the west. The Trust is actively negotiating with –

- More than a dozen owners in multiple States, including Colorado, California, Nevada, New Mexico, Idaho, Washington and Oregon.
- We've received the donation of seven parcels in Nevada from a land owner who wants to support the ongoing acquisition of wilderness inholdings.
- Deep in the Kalmiopsis Wilderness of Oregon is a private property originally patented for its timber value. Now the owner wants to dredge the adjacent wild and scenic river for gold.

The management of these human activities in wilderness is expensive for the agencies. The potential resource damage to the protected lands and waters is enormous. The cost of acquiring these properties when they are offered for sale is relatively small.

If you fund the inholding accounts, we will be back next year with more stories of success completing already designated wilderness and helping those private landowners, who often feel trapped within designated wilderness, but were promised that their land would be purchased at a fair market price if they chose to sell.

In summary, continued consistent funding of the inholding accounts is vital. Without such funding, significant opportunities to acquire private parcels within our designated wilderness areas will be lost for at least another generation. We urge your support of funding for these accounts.

Thank you for the opportunity to testify. We greatly appreciate your time and consideration and the support of the Subcommittee in securing these appropriations. I am happy to answer any questions at this time.

Mr. SIMPSON. Thank you. Appreciate it.
Todd.

TUESDAY, APRIL 16, 2013.

FLORIDA SPORTSMEN'S CONSERVATION ASSOCIATION

WITNESS

TODD HALLMAN

Mr. HALLMAN. Chairman Simpson, Congressman Graves, and other members. Thank you. I appreciate you having me here to testify before this House Appropriations Subcommittee. My name is Todd Hallman. I submit my testimony on behalf of myself and the Florida Sportsmen's Conservation Association, the Future of Hunting in Florida, and the Florida Sportsman Trust Group.

The Florida Sportsman Trust Group was put together by U.S. Fish and Wildlife Service, the Refuge Association, Florida Fish and Wildlife Commission, along with about 30 leaders in sporting organizations in Florida because we had no trust in the Federal Government. The Federal Government came and said, we want to do this headwaters project down from Orlando south to Lake Okeechobee. So between putting this group together and all the sportsmen getting together, we are on board with the NEA, which is the Northern Alliance, the ranchers there.

So I am basically here to request that you appropriate $50 million for fiscal year 2014 for the headwaters project and the $900 million for the Land and Water Conservation Fund. The Land and Water Conservation Fund—I know this is kind of hard when budget restraints are going on and we have got to tighten our belts and the sequester is going on, but the Land and Water Conservation Fund has really nothing to do with that. This fund was set up in 1964 for buying lands in this country. And only twice in the last 40 years, four decades, almost five decades, has this ever been funded to the full amount. So this money gets turned over into the general fund and it never goes to where it is supposed to go.

So with your help we can appropriate this money to where it is supposed to go. It does not cost the taxpayers any money. It comes out of the Gulf of Mexico for gas leases and oil leases and stuff.

But I would like to tell a little story looking at your pictures up there. One of the reasons the sportsmen got involved in this is lack of access on refuges in the State of Florida. I mean out of 28 refuges there are only about four of them that hunters actually can hunt on. So we have worked hard with the U.S. Fish and Wildlife and the FWC and we have come to some agreements and some trust. They have opened up a little bit more access.

We have got an area down there called Lake Wales Ridge and there are some plants there that—there is only seven or eight of them that grow in the world. And it is on this ridge. So what do we do? Instead of just putting a fence around those plants, we block off the whole area.

In looking at these pictures up here, I am looking, I said, man, what would happen if we blocked that off where people cannot even go and look at that? You know what I mean? This is the only place

that we could see that in a book or on a TV show from a distance. We are all about access and we would like to see this land and conservation fund get funded to the full amount and use that money where it is supposed to go.

So I appreciate your time. If you have any questions or anything, feel free. Thank you.

[The statement of Todd Hallman follows:]

TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND
RELATED AGENCIES

Chairman Simpson, Ranking Member Moran and Members of the Subcommittee

Thank you for the opportunity to present testimony before the House Appropriations Subcommittee on Interior, Environment and Related Agencies. My name is Todd Hallman and I submit this testimony on behalf of myself, the Florida Sportsmen's Conservation Association (FSCA) and The Future of Hunting in Florida (FHF) on whose Boards of Directors I sit, and the Florida Sportsmen Trust Group, a new organization formed to support the newly established Everglades Headwaters National Wildlife Refuge and Conservation Area. We respectfully request that you fully fund the Land and Water Conservation Fund (LWCF) and allocate $50 million for the Everglades Headwaters National Wildlife Refuge & Conservation Area for Fiscal Year 2014.

The FSCA is an organization formed to unify and build upon the individual strengths of a diverse group of people who share a common interest in protecting and restoring the unique natural resources of Florida in order that we, and generations to follow, can enjoy it's economic, social, recreational, ecological, and aesthetic benefits into perpetuity. It is our intent to work towards the restoration of our natural areas while promoting legitimate public use of these areas. We work with city, state, and federal agencies to accomplish these goals. Key areas include environmental protection and enhancement, habitat restoration, wildlife preservation and water quality protection.

The FHF is a non-profit organization committed to recruiting and retaining hunters in Florida, to promote and strengthen ethics and conservation, and to increase access and opportunities for citizens and visitors to hunt on public and private lands in Florida. Both the FSCA and FHF are strong and active supporters in the Youth Hunting Program of Florida and developing sporting opportunities for our Wounded Warriors in the state.

The Sportsmen Trust Group is currently comprised of approximately 30 sporting organizations who are working with the National Wildlife Refuge Association, Florida Fish and Wildlife Conservation Commission (FWC) and U.S. Fish and Wildlife Service (USFWS) to address concerns of sportsmen in Florida with the Everglades Headwaters National Wildlife Refuge and Conservation Area (EH NWR/CA).

We respectfully request that you appropriate $50 million for Fiscal Year 2014 to start funding the EH NWR and to fully fund the Land and Water Conservation Fund at the authorized $900 million. The monies from this fund are needed to purchase 100,000 acres of conservation easements over working ranch lands and to purchase 50,000 acres of fee simple lands. We understand that $50 million is a large number and that the project overall will require much more from a variety of sources, it is a start and if we do not start now, these lands will be gone forever.

I understand that at this time, when spending must be cut to balance the budget and sequestration is happening, it could be considered a bad time to ask this subcommittee to appropriate monies for a acquiring land. However, I would like to respectfully call to your attention that this project has nothing to do with balancing the budget, it has to do with the Land and Water Conservation Fund and Congress making good on a promise to the American people back in 1964.

The LWCF is a fund; a federal program established by Act of Congress in 1964 to provide funds and matching grants to federal, state and local governments for the fee acquisition of land and water, and easements on land and water, for the benefit of all Americans. The main emphasis of the fund is recreation and the protection of national natural treasures in the forms of parks, refuges, forests and wild lands. The primary source of income to the fund is fees paid to the federal government, specifically the Bureau of Energy Management, Regulation and Enforcement, by private companies for the right to drill offshore for oil and gas. Congress regularly diverts most of the funds from this source to other purposes. Additional minor sources of income include the sale of surplus federal real estate and taxes on motorboat fuel.

Funds from the Land and Water Conservation Fund have been utilized over the years on projects both large and small. LWCF has helped state agencies and local communities acquire nearly seven million acres of land and easements and developed project sites including such popular recreational areas as Harper's Ferry in West Virginia, California's Big Sur Coast, and the Greater Yellowstone Ecosystem in Montana, helped maintain Yellowstone National Park, and helped to build and maintain thousands of local playgrounds, soccer fields, and baseball diamonds. Though LWCF is authorized with a budget cap of $900 million annually, this cap has been met only twice during the program's nearly four decades of existence. This fund has been paid into over the past 40 years for just this purpose , but most of these monies – over $17 billion – have ended up in the United States General fund. We feel like it is time that we get back on track, collect the LWCF and use the fund for the purpose for which it was designed.

The Everglades Headwaters National Wildlife Refuge and Conservation Area is very important to all Floridians and wildlife in the state. It will also conserve one of the last remaining grassland and longleaf pine savanna landscapes in eastern North America. It will provide cattle ranchers a way to preserve their lands and their way of life for future generations. And importantly, it will provide access to hunters, fishermen, hikers, and bird watchers and a beautiful outdoors for anyone wanting to use and enjoy this refuge for whatever appropriate type of recreation they choose. It will also provide a landscape to hold and clean water before it travels south down to lake Okeechobee.

Today the South Florida Water Management Board spends millions and millions of dollars building storm water treatment areas to clean water before it is dispersed to the Everglades. Why not use this Everglades Headwaters project to do the same in a natural way and still help the ranchers, hunters, and recreationalists and provide opportunity for generations to enjoy what we have to share now?

The sportsmen of Florida have not always been supportive of this project because of the way the federal government (USFWS, NPS) has treated sportsmen in the past. USFWS has had very limited hunting on refuges in Florida. When this project was shown at 4 scoping meetings throughout the state, sportsmen showed up to voice their opinions. With the room filled at all 4 meetings by about 95% of sportsmen, at the time not one wanted to give one more acre of land to the federal government. That was 2 years ago.

The Sportsmen Trust Group has worked hard with USFWS to have our issues addressed and we feel like our voice is being heard.. We understand that no individual USFWS employee can fulfill these promises, but they are working hard to do consider hunting and fishing opportunities when management plans are up for review. The Sportsmen's Trust Group and the Northern Everglades Alliance (ranchers) are now partners in the campaign and fight to make this Everglades Headwaters project a success.

The Sportsmen's Trust Group and others are still working to resolve issues with the National Park Service, specifically in the Big Cypress Preserve. An additional 147,000 acres were added to the Preserve in 1988 known as the "Addition Lands". The Addition Lands legislation called for these lands to be opened to the public for 'traditional cultural activities' within three years of the 1988 acquisition. Unfortunately, 23 years later, the National Park Service produced a "Final Alternative" which would turn 80% of the Addition Lands into Wilderness and/or Back Country Primitive, both of which would not allow future off-road vehicle trails, something sportsmen felt they were promised.

During the creation of the Preserve in 1974, it was clearly stated by Senator Lawton Chiles and others that no part of the Preserve was intended then or now to be Wilderness or Back Country Primitive areas. The Park Service allowed the Addition Lands to sit idle for 20 + years allowing the area to somewhat grow over. When the facts are exposed regarding the activities over the past 60 + years in the Addition Lands it will become clear that none of the Addition Lands qualify for Wilderness consideration. We have people prepared to verify ongoing activities in the Addition Lands over the past 60 + years including farming, ranching, timber removal, oil exploration, air strips, tram roads, private homes, private hunting cabins, existing off-road vehicle trails etc. etc. etc. to say nothing of the area being divided by I-75, a four lane interstate divided highway.

So in closing I would like to say, you can see why, at the start of the Everglades Headwaters Project the sportsmen of Florida had a lot of trouble buying into this. We did not trust the federal government and met the initiative to create a new national wildlife refuge with skepticism, scorn and anger. However, with hard work and good communication between The Sportsmen Trust Group, USFWS, FWC, NEA and the National Wildlife Refuge Association, our hesitance and anger turned to commitment and trust. We are all committed to this project; now all we need is your commitment to fund the LWCF and this project can come true and help Florida be saved for generations to come.

Thank you for your time in reading this testimony when you have a lot of problems to solve all over the world. I am at your disposal to answer additional questions

and I welcome any and all of you to visit this special part of the United States and see for yourself exactly why it should be protected, not just for Floridians, but for all Americans.

Todd Hallman

Mr. SIMPSON. I appreciate that. You said in your opening statement you formed this organization because there was not any national trust. Is that a noun or a verb that you are using the word trust?

Mr. HALLMAN. Well, I do not know what you want to call it but it is trust in the Federal Government——

Mr. SIMPSON. Trust, okay.

Mr. HALLMAN [continuing]. But we don't have any access to places, you know?

Mr. SIMPSON. I thought it was that rather than a trust that—

Mr. HALLMAN. No.

Mr. SIMPSON [continuing]. You know——

Mr. HALLMAN. No.

Mr. SIMPSON. Okay.

Mr. HALLMAN. It is trusting——

Mr. SIMPSON. I appreciate that. Thank you all for your testimony. Just out of curiosity, these are national trails like I assume on the Appalachian Trail where I could go hike, right? Is that true of all the trails? If I wanted to go on the Santa Fe Trail, could I start at the beginning and walk to the end if I wanted to do that?

Mr. WERNER. Mr. Chairman, the scenic trails, the 11 scenic trails like the Appalachian Trail and the Pacific Crest Trail and the Continental Divide are designed to be foot paths like that that you could walk from end to end all the way. The Appalachian Trail is the only one of the 11 that you can actually walk that entire distance from Georgia to Maine——

Mr. SIMPSON. Can I take a horse?

Mr. WERNER [continuing]. Off road. You cannot take a horse on the Appalachian Trail. On the Pacific Crest Trail and the Continental Divide you can take a horse or you can hike. The Pacific Crest you can hike the 2,700 miles. All but about 300 miles of it is off road but the other connectors are on road. Continental Divide is projected to be about 3,100 miles long and there is something less than about half of that actually on the ground I think right now that you can walk. These are works in progress, and as you know, they are intended to be public-private partnerships. They are intended to be in the hands of citizens to do most of the work.

Mr. SIMPSON. Right.

Mr. WERNER. But the federal funding and the federal agency administration and guidance is essential to making that happen. And we are dedicated to filling in those gaps that, you know, make the obstacles and so that if you and me did want to walk on some of them you would have a better walk.

Mr. SIMPSON. Any other questions?

Mr. GRAVES. No, sir.

Mr. SIMPSON. Thank you all for being here today. I appreciate it very much. Thanks for your testimony.

Mr. WERNER. Thank you.

Mr. SIMPSON. Our last panel for this morning I would like to bring Robert Gropp and Kasey White. Mr. Gropp, White. Robert, you are up.

TUESDAY, APRIL 16, 2013.

USGS COALITION

WITNESS

ROBERT GROPP

Mr. GROPP. I will do like everyone else and thank you. Thank you, Mr. Graves, the Committee and the staff as well. My name is Robert Gropp and I am here on behalf of the American Institute of Biological Sciences for which I am director of policy but also chairman of the USGS Coalition to testify on behalf of funding for the USGS in fiscal year 2014.

The USGS Coalition, as I know you know, is an alliance of more than 70 organizations representing the breadth of scientific disciplines, academic institutions, and so forth with a unified commitment to the continued vitality of the USGS and its scientific programs. And we support continued investments in the USGS that underpin responsible natural resource management stewardship and so forth.

The President's budget request for this year for the USGS represents a modest increase over fiscal year 2012 numbers and just under $100 million is what it works out to be. We are very appreciative of the President's request and we are appreciative of your past efforts to provide resources for the USGS.

Let me skip ahead a little bit. So, as you know, the USGS is a unique blend of scientific disciplines ranging from ecosystems to natural hazards and mapping geospatial data, minerals, and so forth. It is the only U.S. science agency dedicated to providing the scientific resources and information for decision-makers. The challenge that the USGS faces right now is not unlike that of any other federal agency, but budget sequestration is at a point now I think where the agency is at a crossroads.

Over the years, you all have worked diligently in a bipartisan fashion to restore funding for cuts that have been proposed by administrations from both parties over the years and we are appreciative of that. Unfortunately, sequestration is now kind of causing some mischief with the budget. As you know, the current year sequestration has resulted in about a $60 million cut to the USGS programs. The agency has been working aggressively and diligently for a number of years to curtail excess spending and to be very strategic. It is our perspective that the majority of those cuts that can be made without starting to cut into core programs have been made and it is approaching a place soon where science is going to start to be in greater jeopardy.

Some of the impacts of sequestration in terms of how the agency is currently working to try and manage that in the coming year, it appears that it is going to try to prevent the shutdown of 350 stream gauges. USGS is going to stop delivering stream flow information, so this is a compromise to prevent the long-term loss of data but it is going to sacrifice some data to decision-makers in the short term.

Maintenance of real-time status of stream gauges and seismic networks is likely to diminish. This has obvious implications for no-

tifications for everything from flooding and droughts but also for earthquakes and so forth.

Decreased monitoring of volcanic eruptions is likely to occur, which has great implications as the FAA tends to use that data to try to route planes, particularly in areas like Alaska and other parts of the Northwest.

Fewer early warnings are likely to be issued for wildlife diseases, which can obviously have an impact in terms of the amount of lead time that natural resource managers have to try and prevent the spread into either livestock populations or other natural populations or the transmission to human populations in some cases. So that could all result in significant costs.

Finally, there is some expectation that there is going to be a delay in a lot of the energy and mineral assessments that the USGS tries to do, which could potentially slow some economic growth and hinder sort of the Nation's move to try to exploit greater domestic energy use.

So right now, I think the agency has done a lot to try and—they have made short-term cuts and tried to find ways to work through the short term, but it is getting to a place where there is a risk that some data starts being lost and that starts to hurt things in the long haul.

And there are a number of other challenges that they are facing, so obviously the agency has cut staff travel and access to conferences. Twenty-seven conferences in February, March, and April, which is understandable again in the short term, but as a science agency and as a scientist myself, it is a challenge because a lot of the new ideas and the new refinement of ideas actually take place at scientific conferences. And so as a long-term solution that is going to start to jeopardize the quality of scientific work that USGS scientists are known for in that capacity to be able to interact with their colleagues and peers to find new ideas and refine them.

The agency is obviously looking at refining its contracting and, you know, cutting any scoping, doing all of those sorts of things. And again, that is a wise move but it is also kind of slowing some of the science that needs to happen. Hiring freezes and potential employee furloughs, particularly for a science agency that does a lot of its work outside and into the growing season or in the summer months can be a challenge in terms of maintaining the integrity of networks or conducting and gathering data when you have to gather the data when it is available and controlled by external factors.

So these are some of the challenges that I know that you all are aware of and we just want to again thank you for your past support on behalf of the USGS and recognize, again, the challenges that you face. But any support you can offer to try to get close to that President's number would be greatly, greatly appreciated.

[The statement or Robert Gropp follows:]

USGS Coalition

Testimony of the
USGS Coalition
Dr. Robert Gropp, Chairman

Regarding the
U.S. Geological Survey
FY 2014 Budget

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

April 16, 2013

Summary

The USGS Coalition appreciates the opportunity to provide testimony about the fiscal year (FY) 2014 budget for the United States Geological Survey (USGS).

The USGS is uniquely positioned to provide information and inform responses to many of the nation's greatest challenges. The USGS plays a crucial role in assessing water quality and quantity; reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards; providing emergency responders with geospatial data to improve homeland security; assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources); and providing the science needed to manage our ecosystems and combat invasive species that can threaten natural and managed environmental systems and public health.

The USGS Coalition is an alliance of over 70 organizations united by a commitment to the continued vitality of the United States Geological Survey to provide critical data and services. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security, and prosperity of the nation.

Essential Services for the Nation

Established by Congress as a branch of the Department of the Interior in 1879, the U.S. Geological Survey has a national mission that extends beyond the boundaries of the nation's public lands to positively impact the lives of all Americans. The USGS plays a crucial role in protecting the public from natural hazards, assessing water quality and quantity, providing geospatial data, and conducting the science necessary to manage our nation's living, mineral, and energy resources. Through its offices across the country, the USGS works with partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples of the USGS' valuable work are provided below.

The Survey collects scientific information on water availability and quality to inform the public and decision makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000 surface-water and groundwater sites. This information is needed to effectively manage freshwaters – both above and below the land surface – for domestic, public, agricultural, commercial, industrial, recreational, and ecological purposes.

The USGS plays an important role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year. Seismic networks and hazard analyses are used to formulate earthquake probabilities and to establish building codes. USGS monitors volcanoes and provides warnings about impending eruptions that are used by aviation officials to prevent planes from flying into volcanic ash clouds. Data from the USGS network of stream gages enable the National Weather Service to issue flood and drought warnings. The bureau and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. USGS research on ecosystem structure informs fire risk forecasts.

USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal – are essential for making decisions about the nation's future. The Survey identifies the location and quantity of domestic mineral and energy resources, and assesses the economic and environmental effects of resource extraction and use. The agency is mapping domestic supplies of rare earth elements necessary for widespread deployment of new energy technologies, which can reduce dependence on foreign oil and mitigate climate change. The USGS is the sole federal source of information on mineral potential, production, and consumption.

USGS science plays a critical role in informing sound management of natural resources on federal and state lands. The USGS conducts research and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. USGS science is also used to

control invasive species and wildlife diseases that can cause billions of dollars in economic losses. The Survey provides information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources in the face of environmental change.

Research conducted by the USGS is vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that are used to assess the impact of natural disasters and monitor global agriculture production. The USGS also assesses the nation's potential for carbon sequestration. Other Interior bureaus use USGS research on how climate variability affects fish, wildlife, and ecological processes to inform natural resource management decisions.

Funding Shortfall

Over the years, Congress has worked in a bipartisan fashion to restore damaging budget cuts proposed by Administrations from both parties. These efforts have paid dividends and helped the USGS continue to provide answers to the challenging questions facing decision-makers across the country.

A major challenge currently facing the USGS is budget sequestration. Not only has the agency's budget been cut by $61 million, but the USGS faces further funding cuts as other federal agencies scale back reimbursable activities, which represent roughly $400 million of USGS' annual operating budget.

Among the sequestration-induced impacts to USGS science:

- In order to prevent the shutdown of 350 stream gauges, USGS will stop delivering stream flow information. This will hinder informed decision-making, but is less costly than turning off the stream gauges and losing data altogether.
- Maintenance of real time status of stream gauges and seismic networks will diminish, potentially resulting in data gaps.
- Decreased monitoring of volcanoes and delayed warnings about volcanic activity. The Federal Aviation Administration relies upon this information to route planes safely in Alaska and elsewhere.
- Fewer early warnings will be issued about emerging wildlife diseases. This could jeopardize natural resource managers' abilities to respond to threats in a timely manner.
- Energy assessments will take longer to be completed. These delays could slow economic development and the nation's efforts to utilize more domestic energy.

The USGS has also implemented a hiring freeze, disallowed overtime, and cancelled all training and non-essential travel. Contracts and grants are being reviewed internally to determine the feasibility of delay, re-scoping, or termination.

Employee furloughs of up to nine days are also possible. The employees of the USGS

are hardworking and committed individuals dedicated to serving the American public. They routinely work in harsh conditions and with limited resources. Unpaid furloughs threaten to further diminish employee morale.

In addition, USGS suspended employee attendance at twenty-seven conferences in February, March, and April. Although this may save money in the short term, scientists must be able to exchange ideas and information freely. Scientific conferences are a highly productive mechanism for the transfer of information among scientists and engineers.

USGS has identified ways to cope with its diminished budget in the short term, but the agency's ability to deliver science over the long-term is in jeopardy. We are especially concerned about long-term data sets, as information gaps cannot be filled later.

The USGS is a science agency. Much of its budget is dedicated to salaries and equipment that must be maintained and updated to ensure the continuity of data acquisition and to ensure that the data gathered are reliable and available for future scientific investigations. We believe that the leadership of the USGS is doing all it can, and has been for a number of years, to contain costs while continuing to deliver high quality science. We are concerned, however, that agency managers have few options left and that the science will soon begin to suffer.

Conclusion

We recognize the financial challenges facing the nation, but losing irreplaceable data can increase costs to society today and in the future. Data not collected and analyzed today is data lost forever. This is particularly significant for environmental monitoring systems, where the loss of a year's data can limit the scope and reliability of long-term dataset analysis. The USGS Coalition requests that Congress adequately support the USGS in fiscal year 2014 so that the agency can continue critical programs that improve the nation's environment, health, safety, quality of life, and future economic growth.

The USGS Coalition appreciates the subcommittee's past leadership in strengthening the United States Geological Survey. Thank you for your thoughtful consideration of our request.

Mr. SIMPSON. Thank you. Kasey.

TUESDAY, APRIL 16, 2013.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

KASEY WHITE

Ms. WHITE. Good morning. Thank you for the opportunity to testify today. I am Kasey White, the director for geoscience policy for the Geological Society of America. We were founded in 1888 and are therefore celebrating our 125th anniversary this year as the oldest professional geo-scientific society in North America. We have 25,000 members from academia, government, and industry in all 50 states and more than 90 countries.

On behalf of GSA, I would like to ask you to at least restore the fiscal year 2012 appropriation for the USGS and support as many of the increases in the President's budget request as possible. As one of our Nation's key science agencies, the USGS plays a vital role in understanding and documenting mineral and energy resources that underpin economic growth, researching and monitoring potential natural hazards that can undermine U.S. and international security, and assessing water availability and quality necessary for society.

Despite the critical role played by the USGS, funding for the survey has stagnated in real dollars for more than a decade. The cuts from sequestration in an agency already facing a flat budget for years have hampered its ability to monitor and assess resources upon which our society depends. And Rob highlighted a number of those cuts that are already there.

And given the importance of the many activities of the survey that protect lives and property, stimulate innovations that fuel the economy, provide national security, and enhance the quality of life, we believe that sustained federal investment in the USGS is necessary for the well-being of our Nation.

Most of the USGS budget is allocated for research and development. This research is used by the Department of the Interior but also by communities around the Nation for different activities ranging from land-use planning to emergency response, natural resource management, engineering, and education. This also allows for partnerships that allow for the leveraging of funds across programs allowing the USGS to have a greater reach.

Let me just highlight just a few of the important research areas. Natural hazards remain a major cause of fatalities and economic losses worldwide, and in the United States we just saw that on the West Coast with the landslides out in Oregon, and many other regions in the U.S. are vulnerable to damages from earthquakes, volcanoes, tsunamis, and landslides. USGS research improves our understanding of these geologic hazards and will allow for better planning and mitigation in these areas to reduce future losses. We encourage you to support USGS efforts to modernize its warning systems to protect communities from these devastating losses.

Energy and mineral resources are critical to national security and economic growth. USGS is the only federal information source on mineral production, potential, and consumption. Therefore, we are really concerned about the cuts in the budget proposal and our Nation's ability to safely develop these new resources. We need to support USGS assessments of energy resources, particularly unconventional natural gas and geothermal. We need to make informed decisions about the Nation's energy future.

In addition, many new energy technologies and manufacturing areas such as wind turbines and solar cells depend on rare earth elements and critical minerals that are overwhelmingly produced in China. The increases for proposed rare earth research at USGS can help us reduce our dependence on these foreign sources.

The devastating droughts—I am sure you are all familiar with those out your way—really remind us of our dependence on water, and I think the proposed increases for water gauges and other water programs can help us with their understanding of surface and groundwater that we all need.

The Landsat satellites have been a tremendous resource. They are the largest archive of remotely sensed data in the world and used for natural resource exploration, land use planning, water resource assessment, natural disaster impacts, and global agricultural production. The successful launch of Landsat 8 earlier this year is an important step to continue to provide these resources, and we support the interagency efforts to examine a path forward for Landsat.

I would also like to take just a minute to talk about the impact of the budget on the next generation of Earth science professionals. The U.S. is facing a looming shortage of qualified workers in many of our science professions. In a report released a couple weeks ago by the National Research Council found that "energy and mineral resources are essential for the Nation's fundamental functions, its economy, its security. In nonfuel and coalmining, a personnel crisis for professionals and workers is pending and it already exists for faculty."

We are very concerned that cuts in our science funding will cause students and young professionals to leave the field, that they will not be able to continue, and it will lead to a lost generation of professionals and particularly faculty in these areas that are already facing job shortages.

Investing in the USGS can help us to grow the economy by preparing people for these positions and supporting research critical for national security, health, and welfare.

Thank you for the opportunity to provide testimony about the USGS.

[The statement of Kasey White follows:]

Testimony of the
Geological Society of America
Kasey White
Director for Geoscience Policy

Regarding the
U.S. Geological Survey
FY 2014 Budget

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

April 16, 2013

Summary

The Geological Society of America (GSA) urges Congress to at least restore the FY 2012 appropriation for the U.S. Geological Survey (USGS) in FY14. As one of our Nation's key science agencies, the USGS plays a vital role in understanding and documenting mineral and energy resources that underpin economic growth worldwide; researching and monitoring potential natural hazards that can undermine US and international security; and determining and assessing water availability and quality necessary for society. Despite the critical role played by the USGS, funding for the Survey has stagnated in real dollars for more than a decade. The cuts from sequestration in an agency already operating in a constrained environment are decreasing this agency's ability to monitor and assess resources upon which our society depends. Given the importance of the many activities of the Survey that protect lives and property for natural hazards, stimulate innovations that fuel the economy, provide national security, and enhance the quality of life, the Geological Society of America believes sustained, steady growth in federal funding for the Survey is necessary for the well being of our Nation.

The Geological Society of America, founded in 1888, is a scientific society with over 25,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA advances the geosciences, 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.

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www.geosociety.org

U.S. Geological Survey Contributions to National Security, Health, and Welfare
The USGS is one of the nation's premier science agencies. Approximately seventy percent of the USGS budget is allocated for research and development. In addition to underpinning the science activities of the Department of the Interior, this research is used by communities across the nation in land use planning, emergency response, natural resource management, engineering, and education. USGS research addresses many of society's greatest challenges for national security, health, and welfare, including natural hazards, mineral and energy resources, climate change, and water availability and quality.

- Natural hazards – including earthquakes, tsunamis, volcanic eruptions, wildfires, and hurricanes – are a major cause of fatalities and economic losses world-wide. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. 2011 was a record year for natural disasters in the United States, with 12 separate billion dollar weather/climate disasters. The combined historic and recent geologic records demonstrate that areas in the United States will continue to experience major earthquake and/or volcanic activity in the future. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude, and allow for better planning and mitigation in these areas. GSA urges Congress to support efforts for USGS to modernize and upgrade its natural hazards monitoring and warning systems to protect communities from the devastating personal and economic effects of natural disasters.

- Energy and mineral resources are critical to national security and economic growth. Improved scientific understanding of these resources will allow for their more economic and environmental management and utilization. The USGS is the sole federal information source on mineral potential, production, and consumption. USGS assessments of mineral and energy resources are essential for making informed decisions about the nation's future. GSA is greatly concerned about recent cuts in mineral resources and their effect on the ability of our nation to safely develop new resources.

- Many emerging energy technologies – such as wind turbines and solar cells – depend on rare earth elements and critical minerals that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements (USGS, 2010). USGS research will play a lead role in helping ease our dependence on these foreign sources.

- The devastating droughts in 2012 reminded us of our dependence on water. The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these resources is necessary to ensure adequate and safe water resources for the health and welfare of society.

- USGS research on climate impacts is used by the Department of the Interior and local policymakers and resource managers to make sound decisions based on the best possible science. The Climate Science Centers, for example, provide scientific information necessary to anticipate, monitor, and adapt to climate change's effects at regional and local levels, ranging from sea level rise and extreme weather events to the impact of climate change on wildfires to effects on agriculture.

- The Landsat satellites have amassed the largest archive of remotely sensed land data in the world, a tremendously important resource for natural resource exploration, land use planning, and assessing water resources, the impacts of natural disasters, and global agriculture production. The successful launch of Landsat 8 is an important step to continue to provide these resources. GSA supports interagency efforts to examine a path forward for multi-program support of Landsat.

Research in Earth science is fundamental to training and educating the next generation of Earth science professionals. The United States faces a looming shortage of qualified workers in these areas that are critical for national security. We are very concerned that cuts in earth science funding will cause students and young professionals to leave the field, potentially leading to a lost generation of professionals in areas that are already facing worker shortages. Investments in these areas could lead to job growth, as demand for these professionals now and in the future is assessed to be high.

A 2013 report by the National Research Council, *Emerging Workforce Trends in the Energy and Mining Industries: A Call to Action*, found, "Energy and mineral resources are essential for the nation's fundamental functions, its economy, and its security... In mining (nonfuel and coal) a personnel crisis for professionals and workers is pending and it already exists for faculty."

Another recent study, *Status of the Geoscience Workforce 2011*, by the American Geosciences Institute found: "The supply of newly trained geoscientists falls short of geoscience workforce demand and replacement needs. ...aggregate job projections are expected to increase by 35 percent between 2008 and 2018....The majority of geoscientists in the workforce are within 15 years of retirement age. By 2030, the unmet demand for geoscientists in the petroleum industry will be approximately 13,000 workers for the conservative demand industry estimate."

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends. According to the National Academies' report *Rising Above the Gathering Storm* (2007), "Economic studies conducted even before the information-technology revolution have shown that as much as 85% of measured growth in US income per capita was due to technological change." Likewise, the National Commission on Fiscal Responsibility and Reform, headed by Erskine Bowles and Alan Simpson, said: "We must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs." Earth science is a critical component of the overall science and technology enterprise. Growing support for Earth science in general and the U.S. Geological Survey in particular are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life.

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

Mr. SIMPSON. Thank you. USGS is probably one of the more popular agencies within our budget actually. I think most members support it. And a couple of years ago the Administration tried to shift Landsat over to USGS. They just wanted to shift the responsibility but no money.

Ms. WHITE. Right. Right.

Mr. SIMPSON. No, let's not do that. I have no problem with taking over Landsat; I just want the money to do it.

But I am concerned about the reduced budget and some of the long-term monitoring we have done, water gauges and flows and that kind of stuff, that if you interrupt that information that we have been gathering for the last 100 years or whatever, you have really screwed it up. So it is something we are going to have to look at very closely in this budget and as every panel has been aware of ugly budget times frankly. But we will do what we can to maintain one of the premier science agencies and their ability to do the job that we ask them to do. And in fact I thought really about giving them some more responsibility.

And then one of the concerns I have had with how we fund global warming in this budget is that almost every agency in the Federal Government gets some money to do global warming stuff. I do not know whether there is duplications or—in our budget we give it to the Forest Service, the BLM, the National Park Service, the USGS. Who else gets it? Fish and Wildlife Service gets it. They all get money to do global warming stuff. And I have no problem with what they are doing; I just do not know if there is any coordination. And I have thought about bringing all of the global warming money together in one agency, and it seems like the USGS is probably the appropriate place, and let them control what is done in these different areas to make sure that there is cooperation between agencies and overlaps and that kind of stuff. But I mean there is global warming money and the Department of Defense. And nobody can actually sit down and tell me how much money we actually spend on it because it is so spread out.

So I know that they are probably not excited about that unless they were also given the money to do it. So thank you for your testimony.

Ms. Pingree, anything?

Ms. PINGREE. No, thank you.

Mr. SIMPSON. Thank you for being here this morning. We look forward to working with you as we try to solve some of these challenges that face us in this current budget here. Thank you.

Ms. WHITE. Right. Thank you so much.

Mr. SIMPSON. You bet.

TUESDAY, APRIL 16, 2013.

AFTERNOON SESSION

Mr. SIMPSON. Committee will come to order. Good afternoon. Welcome to the second of three public witness hearings. This afternoon and again tomorrow morning this subcommittee will be hearing from a cross section of individuals representing a wide variety of issues addressed by this subcommittee.

The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. Their full statements will be included in the record. Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time the chair requests that we keep these moving in order to stay on schedule. The chair also wants to remind those in the hearing room that the committee rules prohibit the use of outside cameras and audio recording during these hearings.

I now would call the first panel, who is Kelly Keenan Aylward. Is that right?

Ms. KEENAN AYLWARD. Yes.

Mr. SIMPSON. Did I say that close?

Ms. KEENAN AYLWARD. Absolutely.

Mr. SIMPSON. Excellent. Dave Stricklan, Mary Beth Beetham, Ken Williams, and Will Gartshore. I called five, we have four.

Okay. When Mr. Gartshore gets here, we will scoot him to the table.

Kelly, you are first.

TUESDAY, APRIL 16, 2013.

WILDLIFE CONSERVATION SOCIETY

WITNESS

KELLY KEENAN AYLWARD

Ms. KEENAN AYLWARD. All right. Thank you, Mr. Chairman, members of the subcommittee staff. I appreciate the opportunity to testify. It is with a little bit of a heavy heart given the circumstances that have occurred in Boston over the last 24 hours, but I wanted to proceed.

My name is Kelly Keenan Aylward. I am the Washington Director for the Wildlife Conservation Society. We are headquartered up at the Bronx Zoo in New York, and we have been around for over 100 years with the mission of seeding wildlife in wild places. We were founded with the help of Teddy Roosevelt, and we manage the world's largest network of urban wildlife parks with connecting our Bronx Zoo to our Central Park Zoo, New York Aquarium, Queens and Prospect Park Zoos, and we have about four million visitors annually to our facilities.

We also operate conservation programs in 67 countries around the world and work here in the United States in the Greater Yel-

lowstone Ecosystem, Arctic Alaska, and in the New England Forest Complex.

The American conservation tradition is based on promoting sustainable use in our natural resources in order to preserve the world's species and environment for future generations. In recognition of our current fiscal constraints, it is important to note that effective natural resource management and conservation can have indirect benefits as well as contributing to local economies. The Department of the Interior reports that in 2011, 435 million people visited national parks, refuges, federal lands, contributing an estimated $48.7 billion in economic activity, supporting over 400,000 jobs.

On a global level by supporting conservation the U.S. is increasing capacity in governments in developing countries and improving our own national security as a result. For instance, the U.S. Forest Service and the U.S. Fish and Wildlife Service are working to combat illegal trade in wildlife and plants. It is estimated that the flow of illegal timber into global markets results in the loss of approximately $1 billion annually to the U.S. Forest industries as American businesses are unsold by cheaper, illegal supply flooding the U.S. markets.

Although difficult to calculate, the illegal wildlife trade has an estimated value of between $5 and $20 billion annually, and it ranks just behind illegal trade in drugs, humans, and arms trafficking in value. The illegal trade and wildlife product spreads diseases like SARS and Ebola to other wildlife livestock and people, so we are talking about serious public health concerns.

Additionally, the criminal syndicates and rebel militias involved in illegal wildlife trade often participate in other illegal activities like terrorism and trafficking in narcotics and weapons, all of which pose major threats to the U.S. national security.

The illegal trade in elephant ivory is a top threat to Africa's elephants. Central Africa's forest elephant populations have experienced reductions of more than 80 percent in the last 25 years, and at least 25,000 African elephants were killed in the year 2012, alone. This represents the highest annual level of elephant poaching in Africa since monitoring began in 2002, via the Wildlife Conservation Society and the CITES Monitoring the Illegal Killing of Elephants Program.

The U.S. has a legacy of leading international wildlife conservation efforts for global priority species like elephants through the Fish and Wildlife Service administered Multinational Species Conservation Fund Program and the Wildlife without Borders Program. Through these programs the Fish and Wildlife Service is the lead U.S. technical agency working with partners on the ground to combat illegal wildlife trade.

For example, in 2009, with the support of the African Elephant Conservation Fund, part of the Multinational Species Conservation Fund, WCS launched a new project in collaboration with the Bauchi state government to improve protection and reduce elephant poaching in the Yankari Game Reserve. Yankari contains the largest surviving elephant populations in Nigeria and one of the largest remaining in West Africa. WCS has been able to make

substantial progress in building the capacity of ecoguard staff and empowering local authorities to manage the elephant populations.

Despite years of extreme poaching pressure, the number of elephants killed this year has been kept to a minimum through constant surveillance and law enforcement. A strong team of ecoguards is now using GPS-enabled hand-held devices to detect illegal activities and reporting back to authorities with real-time data and illustrative maps. With 30 ecoguards having received refresher in training law enforcement skills, continuing to reinforce these efforts, prosecution rates have made the penalty imposed by courts have increased as a result of this improved law enforcement effort. One hundred and eighteen arrests have been made, et cetera.

I see my time is running out. I just wanted to hit on some of the key recommendations for the fiscal year 2014 appropriations. It includes robust funding for the U.S. Fish and Wildlife Service State Wildlife and Tribal Wildlife Grants Program, the Urban Waters Federal Partnership and the growth of that partnership in fiscal year 2014, and maintaining fiscal year 2013 levels for funding the following accounts: the Multinational Species Funds at $9.5 million, the Wildlife without Borders Program at $6.3 million, the U.S. Forest Service International Programs at $8 million, and the U.S. National Park Service of International Affairs at $886,000.

Thank you for your time and consideration.

[The statement of Kelly Keenan Aylward follows:]

Testimony of Kelly Keenan Aylward
Washington Office Director, Wildlife Conservation Society
Submitted to House Appropriations Subcommittee on Interior, Environment & Related Agencies
April 16, 2013

Chairman Simpson, Ranking Member Moran, Members of the Subcommittee: Thank you for the opportunity to submit testimony on FY14 Interior, Environment and Related Agencies Appropriations Act. My name is Kelly Keenan Aylward, Wildlife Conservation Society (WCS) Washington Office Director. 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. WCS helps address threats to over 25 percent of Earth's biodiversity in 60 countries around the world, employing more than 4,000 full-time staff including 170 Ph.D. scientists and 100 veterinarians, while generating $414 million in economic activity annually.

The American conservation tradition is based on promoting sustainable use of our natural resources in order to preserve the world's species and environment for future generations. In recognition of the current fiscal constraints, it is important to note that effective natural resources management and conservation can have indirect benefits as well, including contributing to local economies and building capacity in developing countries. The Department of the Interior (DOI) reports that, in 2011, 435 million people visited national parks, refuges and federal lands, contributing an estimated $48.7 billion in economic activity and supporting over 400,000 jobs.

On a global level, by supporting conservation, the U.S. is increasing capacity and governance in developing nations and improving our own national security as a result. For example, the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (FWS) are working to combat illegal trade in wildlife and plants, which devastates the impacted species around the world, undercuts the success of legitimate U.S. industries, and finances transnational criminal networks. The illegal trade in elephant ivory is the top threat to Africa's elephants and is estimated to have resulted in the deaths of 25,000 African elephants in 2012 alone. It is estimated that the flow of illegal timber into the global marketplace alone results in the loss of approximately $1 billion annually to U.S. forest industries as American businesses are undersold by the cheaper illegal supply. The Illegal trade in wildlife products spreads diseases; and the criminal syndicates and rebel militias involved in the illegal wildlife and timber trade often participate in other illegal activities, like terrorism and trafficking in narcotics and weapons – all of which pose threats to U.S. national security.

This testimony will highlight both domestic and international programs at DOI and the Department of Agriculture (USDA) that are shaping the future of conservation.

U.S. Fish and Wildlife Service

State and Tribal Wildlife Grants Program (SWG): The State and Tribal Wildlife Grants program gives states and tribes funding to develop and implement comprehensive conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife of which WCS is a steering committee member. WCS recommends Congress provide robust funding for State and Tribal Wildlife Grants to implement State Wildlife Action Plans and maintains the non-federal match requirement at 35 percent in FY14. In helping to leverage these funds, WCS continues its highly

successful conservation grant program with financial support from the Doris Duke Charitable Foundation. As of 2011, the grants, which require a 1:1 match, support non-profit conservation organizations managing applied, on-the-ground projects focused on implementing priority conservation actions for landscape scale resiliency. Priority is given to projects protecting areas of high biological value and designated as a high priority in a strategic habitat conservation plan. Since the grant program was established in 2006, WCS awarded $10.2 million for 99 wildlife conservation projects across 467 states.

Multinational Species Conservation Fund (MSCF): Global priority species--such as tigers, rhinos, African and Asian elephants, great apes, and marine turtles--face constant danger. The U.S. has a legacy of leading international wildlife conservation efforts for these species and the MSCF program exemplifies this by being the only dedicated source for global species conservation by any government donor. MSCF programs have helped to sustain wildlife populations by controlling poaching, reducing human-wildlife conflict, and protecting essential habitat, while promoting U.S. economic and security interests in far reaching parts of the world. Despite their modest funding levels, these programs have an outsize impact because they consistently leverage three or four times as much in matching funds from corporations, conservation groups, and national governments making them highly efficient. For example, with financing from the Rhino-Tiger Fund, WCS has provided training and equipment to 200 rangers in partnership with the Government of Thailand's efforts to capture a gang of tiger poachers. In 2011, two ringleaders were captured and cell phone photos of the poached tigers provided evidence that led to their conviction. In February 2012, they received sentences of 4 and 5 years in prison – the harshest sentences ever given in Thailand to wildlife poachers. In 2009, with support from the African Elephant Conservation Fund, WCS launched a new project in collaboration with Bauchi State Government to improve levels of protection and reduce rates of elephant poaching in Yankari Game Reserve. Yankari Game Reserve contains the largest surviving elephant population in Nigeria, and one of the largest remaining in West Africa. WCS has been able to make substantial progress in building the capacity of the ecoguard staff and empowering local authorities to manage this population. Despite years of extreme poaching pressure, the number of elephants killed this year has been kept to a minimum through constant effort and surveillance. A strong team of ecoguards is now using state of the art technology (Cybertracker GPS enabled handheld devices) to detect illegal activities and report back to authorities in an efficient way, using realtime data and illustrative maps. Over 30 ecoguards have received refresher training and law enforcement skills continue to be reinforced. Successful prosecution rates have improved and penalties imposed by the court have increased as a result of this increased law enforcement effort. Over the last year alone, over 118 arrests have been made resulting in fines and, at least 5 cases, imprisonment of over a year. WCS requests that the FY13 enacted level of $9.48 million is maintained in FY14. Additionally, WCS requests that Congress ensure that proceeds raised from the sale of MSCF semipostal stamps are supplementary funds to annually appropriated funds pursuant to section 2(c)(1)(B) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241).

Wildlife Without Borders Global and Regional Programs: These programs are a great investment in addressing cross-cutting threats to ecosystems and wildlife such as disease outbreaks, human-wildlife conflict, and the bushmeat trade. Wildlife Without Borders (WWB) is making lasting impacts through capacity building, technical support and training, local community education

and citizen science. Created in 2010, the WWB Critically Endangered Species Conservation Fund has provided over $570,000 in grants to protect the most imperiled species on the planet. A portion of this funding is helping to expand a successful WCS project in the Patagonian steppe of Argentina designed to prevent human-wildlife conflict between goat herders and the extremely rare Andean cat. When a goat has recently given birth, a puppy is purchased and given to the herder. The puppy is taught to nurse from the mother goat alongside the kid, imprinting the puppy and resulting in social bonds. By adulthood, this "guard dog" becomes the goat herd's greatest protector, fending off carnivore predators, such as the Andean cat. Since acquiring the guard dogs, participating families have had no goats killed, resulting in herding livelihoods being protected and fewer retribution killings against these critically endangered cats. In FY14, WCS recommends funding the Wildlife Without Borders Global and Regional Programs commensurate with the FY13 appropriated level of $6.3 million.

U.S. Forest Service

International Program: The Forest Service International Program (FSIP) levels the playing field in international trade for U.S. timber producers and reduces illegal logging by providing specialized experience. This improves the sustainability and legality of timber management overseas, which translates to less underpriced timber on the world market. FSIP, through partnerships with USAID and the U.S. Department of State, helps to improve the resource management in countries of strategic importance to U.S. security. Resource scarcity and unregulated extraction of natural resources—whether it be water, food, timber, or minerals—has tremendous potential to stimulate unrest and corruption, both of which undermine democracy, rule of law and stability. With technical and financial support from USFS, over the past three years WCS has developed a multi-faceted fire-fighting and prevention project in Slavyanka Municipality, a 460 km^2 area of the Russian Far East, working in close collaboration with the municipal government. In 2010 and 2011, the WCS fire brigade put out 145 fires, and developed a new approach to on-the-ground fire-fighting using high-elevation outposts, which has dramatically reduced response time and resulted in the apprehension of several arsonists red-handed. WCS also renew firebreaks; operates a system of local fire wardens; published several articles in local newspapers, sponsored announcements over the radio and supported lectures in local schools; worked with multiple stakeholders to improve coordination and fire control planning, and monitored burn reductions using satellite imagery. The project has succeeded in reducing the area burnt in our model area by an estimated 83 percent in 2010 and 99 percent in 2011, compared to what would have burned without interventions. FSIP has increasingly leveraged modest funding from Congress to make a big impact for the U.S. taxpayer. For every federal dollar invested in FSIP, four additional dollars is leveraged in matching funds and other contributions from partners. WCS requests that the FY13 enacted level of $8 million for the FSIP is maintained in FY14.

U.S. National Park Service

Office of International Affairs: In 1961, the U.S. government initiated its first international conservation program with the creation of the Office of International Affairs (OIA). Since then, this office has facilitated technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in national parks management. OIA is also the managing agency for World Heritage Sites located in the United States. Thanks to this program, NPS is working on collaborative areas of trans-frontier concern, including at the

Beringia Shared Heritage Initiative (U.S. - Russia), which WCS has been involved with as part of our ongoing conservation efforts in Arctic Alaska. WCS is currently studying the behavior and survivorship of migratory birds that travel to Teshekpuk Lake in Alaska's National Petroleum Reserve to nest each year, as well as the impacts climate change is having on Alaska's walrus populations. The international work conducted by NPS is not only about helping other countries protect their parks and heritage. It is about bringing home best practices and learning from international engagement that could benefit the American national park system. WCS recommends maintaining the FY13 enacted level of $886,000 for the OIA in FY14.

U.S. Environmental Protection Agency

Urban Waters Federal Partnership: Since 2001, WCS has partnered with the National Oceanic and Atmospheric Administration (NOAA) to administer $16.6 million to support 20 grassroots organizations to cleanup efforts to physically restore the South Bronx waterfront along the Bronx River as well as educational outreach to help local residents understand the importance of preserving wild spaces. As a result of this investment, over 3,000 people canoe on the river annually, eight acres of river habitat has been restored or preserved; 7,000 students instructed, 1,500 educators have been trained and several tons of trash from the river and its shores have been removed. WCS is continuing this leadership role through the newly established Urban Waters Federal Partnership, which is a partnership between 13 federal agencies to reconnect urban communities with their waterways. WCS organized a community engagement forum on October 24 in conjunction with the EPA Urban Waters October 23-25, 2012 National Training Workshop in Washington, DC. The community engagement forum facilitated interactions between local organizations, federal agencies representing the Federal Waters Partnership and other stakeholders that came together to attend EPA Urban Waters' National Training Workshop. The forum also highlighted the role of community based organizations involved in water quality issues, clean up and urban water restoration, conservation and stewardship while empbasizing their contributions through environmental education and training in their local communities. WCS encourages robust funding in FY14 to continue and expand the efforts of the Urban Waters Federal Partnership.

In conclusion, I appreciate the opportunity to share WCS's perspectives and make a case for increased investment in conservation in the FY14 Interior, EPA and Related Agencies Appropriations Act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will reaffirm our global position as a conservation leader, while improving our national security and building capacity and good governance in developing countries. Thank you.

Mr. SIMPSON. Thank you. Dave, you are next.

TUESDAY, APRIL 16, 2013.

FRIENDS OF THE CAMAS NATIONAL REFUGE

WITNESS

DAVE STRICKLAN

Mr. STRICKLAN. Well, Mr. Chairman and members of the subcommittee, there is a whole bunch of behalfs I am behalfing. On behalf of the newly organized Friends of Camas Wildlife National Refuge Group, the many hundreds of BYU-Idaho students that I have taken to Camas National Refuge over the years, and on behalf of the citizens who love Camas National Wildlife Refuges, the National Wildlife Refuge Association, and over 230 similar friends groups across the country, I thank you for the opportunity to testify and the chance to participate.

I was also sent by the students with a message for all of Congress to make it work correctly, and what I was told, many of those students, men and women, have jobs with various government agencies, and most of them got sequestered. So those folks said, well, I understand, but I do not understand the complexities of the budget, but I understand that one. It is local.

All right. Each national refuge is set aside by the Congress or the President as a treasure, and Camas National Refuge was as well. Waterfowl stop on the way from essentially Belize and Guatemala into the northwest territories in Alaska, and they stop there to refuel. Waterfowl and shore birds eat invertebrates in the mudflats, and songbirds stop for as few as 1 to 3 days to refuel on insects.

Data from a banding station at Camas, which was discontinued in earlier budget cutbacks, indicate that these small songbirds, such as a Wilson's warbler, weight about 6.5 grams, which is a nickel and dime. That is what they weigh, and then they refuel for 1, 2, or 3 days, and they then weigh 7.5 grams, which does not sound like much, but that is 15 percent of your bodyweight, and then they are able to continue onto either Canada or Alaska. They could not do that. They have got to have that stopping station, and they feed up there. They do all sorts of things. They are really on an energetic budget that just has no wiggle room in there, and that is where they load up.

The numbers of warblers that came through the banding station stunned experienced ornithologists there. Nobody knows how many Wilson's warblers there are that come through North America, but a lot of them come through Camas National Refuge, and that is probably because of its geooffsetal location and also so much of the other habitat in North America is just gone.

Funding for the banding station at Camas was cobbled together. It was not from Fish and Wildlife Service. It was cobbled together. A passionate and essentially itinerant Ph.D. camped out there and the used BYU-Idaho students and other students, most of whom were not paid, to complete the work, and without advertising, the work spread and the local farmers and ranchers came and school

children came on buses and cub scouts and the little old ladies in tennis shoes with binoculars came and the retirement crowd came, and they helped capture birds, check nets, put bands on, and then released the birds into the air.

Dr. Jay Carlisle, who ran the banding station, told me that the scientific data was of incredible value, but the education was a higher value, and I have a picture that I brought for members of the committee of the kids kind of for fun. I could not bring puppy dogs, so I brought really cute little kids for you.

What you have there is probably first-grade-aged little girls peering at the warbler that one of the little girls is going to let loose, and Jay is kneeling down as he prepares to help release the bird, and it is an American image. But that is not possible anymore.

Since I prepared this testimony I understand that the President's budget has come out and that the funding is nearly at or approaching the 2010, level, and we are here to ask that you go along with that. The numbers in the written report show the numbers have been going down over the years, and I just want to say some things that could not happen because of that.

I talked to Brian Wehausen, and essentially what he said is they cannot turn on the pumps to put the water rights, to put the water in the wetlands, and they cannot spray the weeds. Now, in the west there is a weed management group, and if you do not participate in the weed management group, you are a bad neighbor, and the weeds come off your place to the agricultural areas. So he has to choose between having water or spraying his weeds. No seasonals and that kind of thing.

So I would like to sum up by asking that the funding be restored to the 2010 levels so that they do not kind of have to choose which child to save, and I know that you know that that is important, but it has really local and meaningful impacts to those folks.

And I appreciate that very much.

[The statement of Dave Stricklan follows:]

17 April 2013

Dave Stricklan
Past President of *Friends of Camas National Refuge*
Professor of Biology at Brigham Young University – Idaho
5th Generation Resident of Eastern Idaho
1380 N. 4000 W.
Rexburg, ID 83440

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

On behalf of the newly organized Friends of Camas Wildlife National Refuge Group, the many hundreds of BYU-Idaho students that I have taken to Camas National Wildlife Refuge over the years, and on behalf of citizens who love Camas NWR, the National Wildlife Refuge Association and over 230 similar Friends Groups associated with National Wildlife Refuges across the nation, I thank you for the opportunity to testify, and for the chance to participate in the process of democracy in our Great Nation.

It has not escaped my attention that we are, at this moment in time entangled in a nasty, partisan and what seems to me to be an avoidable budget kerfuffle. So today, on behalf of all American citizens everywhere I appeal to the better nature of each of you and ask you each, regardless of your party affiliation, to make the compromises necessary to move the budget of our country forward.

Each National Refuge was specifically set aside by Congress or the President as a treasure and a "refuge" for wildlife. The Camas NWR was protected because it is a critical way-stop for migrating birds. It literally is a refuge and an oasis in a sea of what was formerly sagebrush and today is primarily farmland. Birds traveling between the New World Tropics in the south and Alaska and the North West Territories of Canada in the north depend on Camas as a life or death refueling station.

Waterfowl and shorebirds stop to eat invertebrates and plant materials from the marshes, wetlands and mudflats. Songbirds stop for as few as one to three days to refuel on insects. Data from a banding station at Camas, which was discontinued due to budget cuts several years ago, (the budget cuts before these budget cuts) indicate that small songbirds such as Wilson's warblers arrive from the south weighing as little as 6.5 grams and leave after one, two, or three days weighing 7.5 plus grams. That is a total body weight increase of about 15%.

In preparation for the yearly migration, the birds have gone through truly amazing phenotypical changes, and are operating on the thinnest of possible energetic budgets.

Depending on weather conditions and winds, some of these birds have been flying non-stop for hundreds of miles and for longer than 24 hours. Without the refueling station at Camas National Wildlife Refuge, most of these birds would not have the energy to continue their flight. They are physically spent when they arrive at Camas and could not continue on to nesting areas in Alaska and northern Canada, or even to successfully nest once they got there, without the refueling stop in Camas. Without a dependable feeding/resting station or stations, the birds simply could not make this yearly migration.

The numbers of warblers that move through the Camas banding station stunned experienced ornithologists. No one knows how many Wilson's warblers execute this migration, but a huge number of them funnel through Camas National Refuge. This is likely because of its geographical location and the loss of so much other habitat to development.

Funding for the banding station at Camas was cobbled together. A passionate and essentially itinerant Ph. D camped out there and used BYU-Idaho and other students, most of whom were not paid, to complete the work. Without advertising, word spread and the local farming/ranching schoolchildren, little old ladies in tennis shoes, scout groups, the RV retirement crowd and locals of all ilk's started to show up to watch and to help. They checked capture nets, recorded data, and banded birds, and as a reward, were occasionally allowed to release the banded birds into the air.

Dr. Jay Carlisle, who ran the banding station, told me that the scientific data was incredibly valuable but that the education value of the birding station dwarfed the value of the scientific data. I have a picture in my lab of a two very small girls, probably 1st Grade age, wide-eyed peering at the warbler that one of the tiny girls is about to release. Jay is kneeling down as he prepares to help her release the bird. It is an iconic image that stops people in their tracks; it is as much Americana as any Norman Rockwell calendar. That image is no longer possible. It has been lost to relentless budget cuts.

Since that banding station was cobbled together with volunteer efforts, the National Wildlife Refuge System Budget has been cut every year.

Here is a look at the budget for the Refuge system since FY 2010.

FY 2010	503 M
FY 2011	492 M
FY 2012	485.7M
FY 2013	453.7M

I talked to Brian Wehausen, who is the Refuge Manager at Camas National Wildlife Refuge and asked him what kinds of things he doesn't do because of the yearly budget cuts. He said that:

- They don't have seasonal workers to collect data, maintain the facilities, spray weeds, clean the parking lot and outhouse and just do regular "seasonal jobs"

- He isn't able to provide herbicide to the local weed management group of which Camas NWR and most local land owners are members
- Of course the banding station work is out of the question
- Maintenance and upgrade of equipment and facilities has fallen well behind schedule
- Maintenance or upgrade of interpretation materials for public education aren't regularly completed (I personally paid for the last printing of Refuge Maps for distribution to the public from the welcome station in the parking lot)
- Pumping water from deep wells to make up for water loss due to surrounding deep wells, to maintain the wetlands is too expensive

Similar scenarios are repeated on refuges across the nation, where managers are forced to decide "which child to save," so to speak.

Let me give you an example of what the ramifications are because of the lack of funding to one of the categories just listed, noxious weeds.

Noxious weeds are generally aggressive colonizers and move into disturbed or untreated areas. They reduce the productivity of native plants that provide habitat for the insects that songbirds depend upon for migration-fueling energy. They cut production of agricultural crops as well. The prevention and treatment of noxious weeds unites adjacent landowners into weed districts where everyone is expected to participate in the effort to control them. The failure to do so can lead to significant loss to agriculture crops on private land and to wildlife habitat on the refuge. In some cases, the loss of native habitat to invasive plants can be incredibly expensive, or even impossible to reverse.

If the National Wildlife Refuge allows noxious weeds to invade and colonize the refuge, then the Refuge is seen by adjacent landowners and farmers as "bad neighbors" whose lands provide a seed source for the weeds that blow onto adjoining farms.

Before I became a professor, I worked for twelve years as a wildlife biologist for the U.S. Forest Service. There I administered budgets for local Forest Service Units. Budget cuts are damaging everywhere, but Wildlife Refuges do not have the luxury to spread the misery between various projects over a large landscape like the Forest Service and BLM can. Wildlife Refuges are generally smaller units with a single focus and budget. If they go unfunded, the ramifications are local and intense.

We shouldn't just kick the can down the road. What we are now doing is more like kicking the time bomb down the road. It really isn't fair to future generations.

I respectfully ask you to return funding for National Wildlife Refuges to FY 2010 levels.

Thank you,
Dave Stricklan

Mr. SIMPSON. Thank you. Mary Beth.

TUESDAY, APRIL 16, 2013.

DEFENDERS OF WILDLIFE

WITNESS

MARY BETH BEETHAM

Ms. BEETHAM. Chairman Simpson, Ranking Member Moran, and members of the subcommittee, thank you. I appreciate the opportunity to testify. I am Mary Beth Beetham, Legislative Director with Defenders of Wildlife founded in 1947. Defenders has more than one million members and supports, and we are dedicated to the conservation of wild animals and plants in their nature communities.

We share the deep concern, Mr. Chairman and Ranking Moran, that was voiced by you and others in last week's Department of the Interior Budget Hearing with Secretary Salazar about the devastating impacts of the funding cuts from the sequester and the additional funding cuts on our Nation's natural heritage. We want you to know that the environmental community tried very hard at the end of the last Congress and the beginning of the new Congress to stop the sequester and promote a larger overall deal. Obviously, we and others were unsuccessful with doing that.

But we hope that once the on-the-ground impacts really become apparent later this summer that we will start to really have the information that will help us make the better case to the American people about all the things that they value, including our lands and wildlife that are going to be impacted by this, and then we can hopefully get you and the subcommittee more support that you need to fund these programs.

Since our written testimony was submitted before the President's budget was released, I am focusing my statement on what we consider to be the highest priorities for wildlife, and the request, we thought it was a really good request considering the circumstances.

We support the following increases for the Fish and Wildlife Service; $9.5 million for Endangered Species Operating Accounts; $8.3 million in the Cooperative Endangered Species Fund to help protect our Nation's most vulnerable plants and animals—$7.2 million that will help ensure that renewable energy projects can be cited in a way that prevents harm to species such as golden eagles, bats, desert tortoise, and seabirds and many other species; and $9.4 million for the Innovative Cooperative Recovery Initiative, which we really like a lot. It is in its second year, and we believe it is promoting more efficient efforts across landscapes to recover listed species on national wildlife refuges and surrounding lands.

We also support the additional increases in the request for the National Wildlife Refuge System for inventory and monitoring, Challenge Cost Share Projects, and law enforcement. Also in Fish and Wildlife Service, $2.1 million for Cooperative Landscape Conservation and $11.8 million for science support that will help to implement the recently-released National Fish, Wildlife, and Plants Climate Adaptation Strategy, and if you recall, the development of

that strategy is something that was directed by this subcommittee in the fiscal year 2009 and fiscal year 2010 committee reports.

Also in the Fish and Wildlife Service, one of the downsides of the budget, we were disappointed to see the elimination of the Wolf Livestock Loss Demonstration Program that assists livestock owners coexisting with wolves. We do a lot with coexistence in the northern Rockies and in the west and we hope to see this funding restored.

In the Forest Service request we were concerned to see that yet, again, the Administration has proposed consolidating many accounts, including Wildlife and Fish and the Integrated Resource Restoration, and we support continuing IRR as a pilot program as the subcommittee did in the fiscal year 2012 bill so that the agency has to first demonstrate its ability to adequately protect resources including Fish and Wildlife under the smaller pilot before it gets the larger program.

In the Bureau of Land Management budget, we are extremely pleased with the $15 million increase for comprehensive sage-grouse conservation in ten western states. We know that you are very concerned about this issue, Mr. Chairman, and many other members from those states. We appreciate that the House bill did fully fund that request, and we want you to know that we are working with Representatives Horsford and Amodei on a dear colleague letter to the committee to fund it that we are trying to get other members from the sage-grouse states to sign. So we are working hard on that.

In the BLM budget we also support the $7.1 million program increase for renewable energy that will help to fund regional land use planning studies and environmental reviews, again, to help avoid areas with potential wildlife and other natural resource conflicts.

For the USGS we support $22.5 million increase for ecosystems that includes $1.5 million for research on White Nose Syndrome that is devastating bat populations and for the National Climate Change and Wildlife Science Center, and Climate Science Center is a $10 million increase, again, for research on the impacts of climate change on fish, wildlife, and other natural resources.

And finally, Defenders supports the increase in the President's request for the Land and Water Conservation Fund, including the Interior Forest Service Collaborative Program that works across landscapes, and we also support the Administration's request to provide dedicated mandatory funding for the LWCF. That is something that we believe was always the intent of the authors of the LWCF, and we would hope that if that would pass, it would give the subcommittee some relief on your allocation in the future.

Thank you very much.

[The statement of Mary Beth Beetham follows:]

TESTIMONY OF MARY BETH BEETHAM
DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
APRIL 16, 2013

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

North America is fortunate to have some of the most abundant and diverse wildlife on Earth, more than 200,000 known species in the U.S. alone. This unique and irreplaceable heritage is treasured by all Americans both for its aesthetic value as well as for the very tangible benefits it brings as a resource. For example, a third of our food is pollinated by birds, bats, and insects; wildlife associated recreation generated $145 billion in economic benefits in 2011;[1] bats provide at least $3.7 billion to the agricultural industry in pest control services each year;[2] and the value of ecosystem services from habitat in the contiguous 48 states is estimated at $1.6 trillion annually.[3] Federal programs that protect wildlife and habitat have been chronically underfunded. The full impact of sequestration on these programs is not yet known, but it is likely to be significant. Even worse, continued cuts will likely lead to irreversible harm to vulnerable species and habitat. Our nation's wildlife is a treasure and well worth the investment to properly care for it.

Fish and Wildlife Service

The U.S. Fish and Wildlife Service (FWS) is our nation's premier wildlife conservation agency. We were deeply disappointed that the agency received some of the largest percentage cuts in H.R. 6091, the FY 2013 House Interior, Environment, and Related Agencies appropriations bill. FWS needs robust funding, not cuts, if it is to recover listed species and protect migratory birds and fish, species of global conservation concern and other trust species, and stop or prevent wildlife crimes.

Renewable Energy – FWS must have robust funding for several programs to ensure that renewable energy development and associated transmission is sited in a way that prevents harm to species such as bald and golden eagles, bats, whooping cranes, California condors, seabirds, bats and desert tortoise. This includes funding for consultation in the Endangered Species program, inventory and monitoring in the Migratory Bird program, and proper enforcement of needed protections by the Office of Law Enforcement.

Cooperative Recovery – The FWS has begun a praiseworthy new initiative to implement recovery actions for species listed under the Endangered Species Act on National Wildlife Refuges and surrounding lands. This requires targeted funding for several programs, including National Wildlife Refuges, Partners for Fish and Wildlife, Fisheries, Adaptive Science, and Endangered Species Recovery. This initiative supports more efficient efforts across landscapes to recover threatened and endangered species.

Endangered Species – Conservation and recovery of imperiled species will be impossible without strong funding for the Endangered Species program. Funding is critically needed to support:

- Under the Listing program, progress in protecting approximately 180 candidates, many of which have awaited protection for years, including the red knot, Pacific fisher, Pacific walrus, New England cottontail rabbit, and other species desperately in need of protection;
- Under the Consultation program, evaluation of tens of thousands of projects to ensure they can move forward while not significantly harming listed species, a crushing workload for agency personnel;
- Under the Recovery program, work to restore more than 1,400 listed U.S. species so that ESA protection is no longer necessary;
- Under the Candidate Conservation program, development and implementation of effective measures to stabilize and improve the status of candidate species;
- Under the Cooperative Endangered Species Fund, the work of states to protect threatened and endangered species.

Defenders also strongly supports reinstatement of the Wolf Livestock Loss Demonstration Program currently funded through the Recovery program that assists livestock owners to co-exist with wolves. This valuable program is intended to both compensate ranchers for livestock losses due to wolves and to implement proactive, nonlethal methods to prevent future losses.

National Wildlife Refuge System (NWRS) – Our National Wildlife Refuge System is the largest land and water system in the world dedicated to wildlife conservation. Refuges provide enormous benefits to the American people, generating more than $4.2 billion each year for regional economies. Many are located along our coasts where they serve valuable functions in protecting communities from floods and storm surges. Initial reports on probable sequestration impacts include the closure of 121 refuges or visitor facilities on weekends, reduced law enforcement, and the significant reduction or elimination of seasonal staff that are responsible for vital work such as protecting sea turtle and bird nests on beaches. The Refuge System deserves robust funding, not cuts. Even flat funding harms the System – just to maintain the management capability to operate properly –to fuel refuge vehicles and pay increasing utility bills, facilities rent, and other costs while *not* counting any cost of living increase for personnel – the Refuge System needs an annual increase of at least $8 million. Moreover, in recent years, the Refuge System has absorbed about $440 million in uncompensated funding from natural disasters, nearly the amount of a full year's funding.

Cooperative Landscape Conservation and Adaptive Science – The increasingly large-scale and complex nature of threats to the conservation of our natural resources along with decreasing financial resources has created a need to work more effectively and efficiently across jurisdictional boundaries. This comprehensive initiative is helping natural resource management agencies improve landscape-level coordination of conservation efforts and provide science and technical capacity to tackle today's complex environmental problems. This program will also serve a key role in implementing the recently released National Fish, Wildlife and Plants Climate Adaptation Strategy, an effort that was directed by this Subcommittee in FY 2009 and FY 2010, that will help public and private decision makers prepare for and reduce the current and future impacts of climate change on species, habitats, ecosystems, and the people and economies that depend on them.

International Affairs – Funding is crucial to sustain vital efforts to provide crucial capacity building, education, and training for personnel responsible for priority species and habitats of global concern and for the increased permitting, research and monitoring workload for species subject to trade, including native U.S. species such as sturgeon and freshwater turtles.

Office of Law Enforcement – The *Washington Post* recently highlighted the work of the Office of Law Enforcement in fighting illegal trade, breaking up smuggling rings, and other criminal activities that harm wildlife. Without robust funding, the program will be unable to maintain its highly trained force of special agents, inspectors, and forensic scientists.

Migratory Bird Management – U.S. bird populations, including native Hawaiian birds, ocean birds, coastal shorebirds, and desert, shrubland, and grassland birds have experienced precipitous declines in recent years. Continued strong funding is critical to survey and monitor, reduce hazards, manage permits, and restore habitat for migratory birds.

Other key grant programs – Defenders supports continued needed funding for the Multinational Species Conservation Fund, for the Neotropical Migratory Bird Fund, and for the State and Tribal Wildlife grants.

Forest Service and Bureau of Land Management

The Bureau of Land Management (BLM) and the U.S. Forest Service (FS) are essential to the conservation of wildlife and habitat in the United States, yet their resources are not adequate to meet significant challenges. A top priority for Defenders is ensuring that renewable energy development on these lands proceeds in a balanced way that maintains the ecological integrity of our public lands and waters, conserves wildlife habitat and populations, and contributes to agency efforts to successfully recover our most imperiled wildlife. We urge strong oversight to ensure that any energy development is done in an environmentally sensitive fashion. Given their large land ownerships it is imperative that both participate fully in landscape level conservation and management efforts.

FS Integrated Resource Restoration (IRR)/Wildlife and Fisheries Habitat Management – We expect that the administration will again propose merging a number of accounts, including Wildlife and Fisheries Habitat Management, into an integrated budget. However, Defenders supports maintaining strong funding for Wildlife and Fisheries Habitat Management and continuing IRR as a 3-year pilot as directed by Congress in the final FY 2012 Omnibus appropriations bill so that the agency can demonstrate its ability to adequately protect habitat for fish and wildlife under the consolidated program.

FS Land Management Planning/Inventory and Monitoring – We also expect the budget to again propose merging these two programs into a single line item. As with IRR, we are concerned about such a consolidation unless the agency can demonstrate its ability to carry out its responsibilities under these two programs and urge continued discrete funding for each.

FS Collaborative Forest Landscape Restoration Program (CFLRP) – We support full funding of $40 million for this proven cost-effective program that was established specifically to create job stability, achieve reliable wood supply, restore forest and watershed health, improve wildlife habitat, and reduce the costs of fire suppression in overgrown forests, and reduce the risk of uncharacteristic wildfires.

FS Forest and Rangeland Research (FS R&D) – Strong funding for FS R&D is crucial in providing relevant tools and information to support sustainable management of National Forest system lands as well as non-federal forest lands.

BLM National Greater Sage-Grouse Planning Strategy – We expect that the Administration will again request $15 million in the BLM Wildlife Management program specifically for sage-grouse conservation planning in 10 western states, which is an increase over prior years' funding for amending Resource Management Plans, inventorying, monitoring and mapping habitat, and conducting restoration. Almost half of all sagebrush habitat has been destroyed and remaining habitat is fragmented and degraded. Over the 42 years between 1965 and 2007, population decline was estimated at 3.1 percent each year. This modest funding increase is desperately needed to support a broad effort to reverse this iconic bird's decline.

BLM Renewable Energy – Robust funding is important to continue regional land use planning studies and environmental reviews of potential wind energy zones. These studies will help to identify future renewable energy zones that will avoid areas with potential natural resource conflicts, including conflicts with sensitive wildlife species such as sage-grouse, eagles, and desert tortoise.

BLM Resource Management Planning – Maintaining funding for Resource Management Planning is crucial to address 57 new plans which the agency expects to complete within the next three to four years. Since 2000, the BLM has completed over 74 RMP revisions and major plan amendments.

BLM Challenge Cost Share – Defenders continues to support this program, one of the few sources of BLM funding for proactive wildlife and habitat conservation projects on the ground.

U.S. Geological Survey

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

Ecosystems – For crucial scientific information needed to soundly manage our nation's biological resources including ongoing research on White Nose Syndrome that is devastating bat populations and work to assess impacts to wildlife, especially bats and birds, from the development and placement of wind energy projects and transmission from direct strikes, habitat fragmentation, and construction and maintenance of infrastructure.

Climate and Land Use Change – Continued funding for the National Climate Change and Wildlife Science Center/DOI Climate Science Centers and Science Support for DOI Bureaus to address scientific needs in planning for adaptation to climate change.

Land and Water Conservation Fund (LWCF)

Finally, each day, 6,000 acres of open space in the U.S., including wildlife habitat, is lost to fragmentation and destruction.[4] Once these lands are lost, they can never be recovered. Defenders supports continued strong funding for the LWCF. Thank you for the opportunity to testify.

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

Mr. SIMPSON. Ken, you are next.

TUESDAY, APRIL 16, 2013.

THE WILDLIFE SOCIETY

WITNESS

KEN WILLIAMS

Mr. WILLIAMS. Thank you, Mr. Chairman and the subcommittee members. I am Ken Williams. I am the Executive Director of the Wildlife Society, a non-profit scientific and educational association founded in 1937, representing tens of thousands of wildlife professional biologists and managers with a mission to represent and serve the professional community of scientists and managers and educators who focus on understanding and managing and conserving natural resources.

There are a number of programs that TWS actively supports. We have identified many of them in our written testimony submitted for the record. I will highlight a few of those for you here today. In the interest of time I will limit the setup for each one of them, and I will just get right to the appropriations request.

Starting with the U.S. Fish and Wildlife Service and the State and Tribal Wildlife Grants Program, which is something that we very much support. It is the only federal program dedicated to supporting the states with their state wildlife actions plans, the aim of keeping common species common, and avoiding the need for an endangered species listing. We think that is a very good thing.

We recommend that Congress appropriate $70 million for this program. We think it is a very smart investment. It has the strong benefit of supporting the American economy and provides 28 jobs for every million dollars that are spent, about twice the number of jobs supported by road and bridge construction. We think that is a good bang for the buck.

The National Wildlife Refuge Program within the Fish and Wildlife Service badly needs additional funding for its operations and maintenance. This is a longstanding and common problem. It needs that to administer 150 million acres, all the educational programs, the Habitat Restoration Programs, and much more. We urge Congress to match the Presidential request and provide $499 million for the operations and maintenance of the National Wildlife Refuge Program.

TWS also supports adequate funding levels for the services, Endangered Species Program and in particular for endangered species recovery efforts, which is the best way to lead to delisting of endangered species. We support an increase in the emphasis on consultation and recovery, which we think is the key to success of the Endangered Species Program, and we recommend Congress match the Presidential request and provide $185 million for fiscal year 2014.

Lastly, for the Fish and Wildlife Service we strongly support the voluntary partners for Fish and Wildlife Program, which provides financial and technical assistance to private landowners across the country, something we are very much supportive of. This program engages private landowners in restoring and maintaining habitat,

again, to avoid endangered species listing. Again, a good use of our money.

We strongly support these collaborative efforts, and we urge Congress to provide $60 million to partners for Fish and Wildlife to help fund them.

Very quickly, the Bureau of Land Management supports over 3,000 species of wildlife, more than 300 that are federally listed, more than 1,300 sensitive plant species. To relieve the chronic underfunding of BLM's wildlife program and manage the tremendous expansion that is being experienced by energy development across the BLM landscape, we recommend that Congress appropriate $55 million for BLM wildlife management programs and an increase of overall funding in their Endangered Species Program to $33 million in fiscal year 2014.

We support the Wild Horse and Burro Management Program in the Bureau of Land Management along with the National Horse and Burro Range Land Management Coalition of 14 wildlife conservation and sportsmen organizations with industry partnerships and professional involvement. We request the support for the requested $77 million that should be provided to BLM if they continue removing excess horses from the range at a reasonable rate and focus additional resources on habitat restoration, including an increase in $2 million for implementation of the National Academy of Sciences recommendations that were made previously.

For the U.S. Geological Survey, I am going to run out of time here, so I am going to make sure that I emphasize the Cooperative Research Units Program. I think it is one of the biggest bangs for the buck that there is. It is a program that is represented in 38 states across the United States including every state represented on this committee except one. The scientists in that program conduct research on natural resources, deliver graduate education, provide research support for their state cooperators, and since 2001, it has not been fully funded. In order to currently fill vacancies, we recommend an increase for the research units of $22 million.

I see that my time is up, Mr. Chairman. Thank you for your time.

[The statement of Ken Williams follows:]

THE WILDLIFE SOCIETY
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11 April 2013

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

Testifying for The Wildlife Society on Public Witness Day:
Byron K. Williams

Executive Director
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The Wildlife Society appreciates the opportunity to provide testimony on the FY 2014 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing nearly 11,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and habitats worldwide.

U.S. Fish and Wildlife Service

The **State and Tribal Wildlife Grants Program** is the only federal program that supports states in preventing wildlife from becoming endangered. It is also the primary program supporting implementation of State Wildlife Action Plans, which detail conservation actions needed on the ground in every state to keep common species common. Funding assistance for these state wildlife agencies is one of the highest priority needs for wildlife in order to prevent further declines in at-risk species in every state. Although, we appreciate the President's request for level funding from FY13, previous budget reductions and sequestration have had a serious and disproportionate impact on State and Tribal Wildlife Grants. As such, **we recommend Congress appropriate $70 million for State and Tribal Wildlife Grants in FY 2014. We also ask that Congress not shift additional funds directed to States through formula grants to a competitive allocation**. This funding is critical for maintaining wildlife diversity programs at the state level and a further reduction in the formula grants may have dramatic consequences.

The Cooperative Alliance for Refuge Enhancement (CARE) is a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined the **National Wildlife Refuge System** needs $900 million in annual operations funding to properly administer its nearly 150 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the Operations and Maintenance backlog; refuge visitors often

show up to find visitor centers closed, hiking trails in disrepair, and habitat restoration programs eliminated. Invasive plant species are taking over on refuges, requiring $25 million per year to treat just one-third of its acreage, and illegal activities such as poaching are on the rise, requiring an additional 209 officers ($31.4 million) to meet law enforcement needs. We urge Congress to **match the President's request and provide $499.2 million in FY 2014 for the Operations and Maintenance of the National Wildlife Refuge System**.

The **North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. This program has remained drastically underfunded despite its demonstrated effectiveness. **We support the President's request of $39.5 million and encourage Congress to match this request for FY14.**

The **Neotropical Migratory Bird Conservation Act Grants Program** supports partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. To achieve success, this program should be funded at or above $6.5 million. However, recognizing the current fiscal climate, The Wildlife Society recommends Congress **maintain level funding for the Neotropical Migratory Bird Conservation Act at $3.78 million in FY 2014**.

The Wildlife Society supports adequate funding levels for all subactivities within the **Endangered Species Program**. Endangered species recovery efforts can ultimately lead to delisting, resulting in significant benefits to species through state management efforts. FWS, with the help federal and state agency partners has been working to implement new strategies to increase the efficiency and effectiveness of this program and to reduce the regulatory burden on private landowners and industry partners. To support these actions and the increased emphasis on consultation and recover, we recommend Congress **match the President's request for the Endangered Species Program and provide $185.45 million in funding in FY 2014.**

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

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

Congress to **match the President's request of $13.5 million in support of FWS International Affairs.**

Bureau of Land Management

BLM lands support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1,300 sensitive plant species. Historically, the **Wildlife and Fisheries Management (WFM) and the Threatened and Endangered Species Management (TESM)** programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other non-wildlife related programs, eroding both their ability to conduct proactive conservation activities and their efforts to recover listed species. Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, we recommend Congress **appropriate $55 million for BLM Wildlife Management.** This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans. We support the proposed increase of $15 million for sage grouse conservation efforts; this kind of broad-scale, landscape based conservation is exactly what is needed to manage and conserve sage grouse across their range.

Increased funding is also needed for the **Threatened and Endangered Species Management Program,** to allow BLM to meet its responsibilities in endangered species recovery plans. BLM's March 2001 Report to Congress called for a doubling of the Threatened and Endangered Species budget to $48 million and an additional 70 staff positions over 5 years. This goal has yet to be met. In light of this, **we strongly encourage Congress to increase overall funding for BLM's endangered species program to $33 million in FY 2014.**

The Wildlife Society appreciates the commitment of BLM to addressing the problems associated with **Wild Horse and Burro Management**. We support the requested increase of $2 million for implementation of the National Academy of Sciences recommendations and findings and continued research and development on contraception and population control. However, with more than 10,000 horses above Appropriate Management Levels on the range and over 50,000 horses in off-site long- and short-term holding facilities The Wildlife Society is concerned about BLM's emphasis on fertility control alone. The current language limiting the use of humane euthanasia for unwanted or unadoptable horses should be removed to allow BLM to use all necessary management tools to bring populations of on- and off-range wild horses and burros within manageable range and additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. **The requested $77.245 million should be provided to BLM if they continue removing excess horses from the range at a reasonable rate and focus additional resources on habitat restoration.**

U.S. Geological Survey

The basic, objective, and interdisciplinary scientific research that is supported by the USGS is necessary for understanding the complex environmental issues facing our nation today. This science will play an essential role in the decision-making processes of natural resource managers, and it will help protect our water supply and conserve endangered species. More investment is needed to strengthen USGS partnerships, improve monitoring, produce high-quality geospatial

data, and deliver the best science to address critical environmental and societal challenges. **The Wildlife Society supports funding of at least $1.2 billion for USGS in FY 2014.**

The **Ecosystems Program** of USGS contains programmatic resources for fisheries, wildlife, environments, invasive species and the Cooperative Fish and Wildlife Research Unit. The Ecosystems unit strives to maximize research and support for comprehensive biological and ecosystem based needs. **The Wildlife Society supports the President's request of $180.77 million for USGS's Ecosystems Department in FY 2014.** Within Ecosystems, **we support the request of $50.78 million for the Wildlife Program**. Additionally, we appreciate the requested addition of $1.5 million to support research and surveillance of White Nose Syndrome and of $2million for research on the impacts of future energy development on wildlife sustainability.

The **Cooperative Fish and Wildlife Research Units** (CFWRUs) are managed under the Ecosystems Department and conduct research on renewable natural resource questions, participate in the education of graduate students, provide technical assistance and consultation on natural resource issues, and provide continuing education for natural resource professionals. In FY 2001, Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have continued to cause an erosion of available funds, resulting in a current staffing vacancy of nearly one quarter of the professional workforce. In order to fill current vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, **the FY 2014 budget for the CFWRUs should be increased to $22 million.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs.

The Wildlife Society appreciates the FY 2013 funding of $25.5 million for the **National Climate Change and Wildlife Science Center**. This center plays a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support. In order for this role to be fully realized, **The Wildlife Society recommends that Congress fund the National Climate Change and Wildlife Science Center at the requested $35.3 million in FY 2014.**

U.S. Forest Service

Our national forests and grasslands are essential to the conservation of our nation's wildlife and habitat, and are home to about 425 threatened and endangered, and another 3,250 at-risk species. In FY 2011, the Forest Service combined several programs and budgets, including Vegetation and Watershed Management, Wildlife and Fisheries Habitat Management, and Forest Products into a single Integrated Resource Restoration activity budget. We continue to be concerned with this merger because it makes accountability to stakeholders and Congress more difficult. However, with these reservations noted, we urge Congress **to support the request of $757 million for the Integrated Resource Restoration program in FY 2014.**

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS is at the forefront of science, and essential to improving the health of our nation's forests and grasslands. Furthermore, it will play a key role in developing strategies for mitigating the effects of climate change. We urge Congress to match the President's request of **$310 million in FY 2014 for Forest and Rangelands** to support this high-quality research.

Mr. SIMPSON. Thank you. You have piqued my curiosity. Which one state?

Mr. WILLIAMS. Unhappily, it is Ohio. Now, Ohio used to have a coop unit. It is my firm belief and my firm hope and expectation that before the smoke clears Ohio will yet, again, have a coop unit. You have a very, very good one. You probably know that.

Mr. SIMPSON. Yes. Appreciate it. Will.

TUESDAY, APRIL 16, 2013.

WORLD WILDLIFE FUND

WITNESS

WILL GARTSHORE

Mr. GARTSHORE. Chairman Simpson, Ranking Member Moran, members of the subcommittee, thanks for the opportunity. Sorry for the tardy arrival.

Mr. SIMPSON. That is okay.

Mr. GARTSHORE. I am Senior Policy Officer with World Wildlife Funds, and WWF is the largest private conservation organization working internationally to protect wildlife and wildlife habitats. We currently sponsor conservation programs in over 100 countries. We are supported by 1.2 million members in the U.S. and five million worldwide.

I want to testify today in support of a number of important international conservation programs within the Department of Interior and the U.S. Fish and Wildlife Service.

The U.S. Fish and Wildlife Service in particular is providing critical support to the conservation of endangered species around the globe, particularly in developing countries through its Office of International Affairs, the Multinational Species Conservation Funds, and its Office of Law Enforcements.

These international programs are particularly critical at this current moment when Africa, in particular, is facing the most severe poaching crisis that we have seen in a couple of decades. You have probably seen the news stories about elephants and rhinos being killed in large numbers on the continent; elephants for their ivory, rhinos for their horns. In the past 5 years poaching of rhinos in South Africa has increased by 5,000 percent. In the past 10 years over 60 percent of the elephants in Central Africa it is estimated have been slaughtered. That is nearly two-thirds of the remaining population. So you can expect extinction in a couple of decades at the current rates.

Mr. SIMPSON. Two-thirds?

Mr. GARTSHORE. Over 60 percent in Central Africa. Yeah.

Mr. SIMPSON. Have been slaughtered over what period?

Mr. GARTSHORE. A decade. This is a recent study that actually WCS and——

Mr. SIMPSON. I am sorry for the interruption.

Mr. GARTSHORE [continuing]. That is all right. In Asia you have got 3,200 tigers perhaps remaining in the entire continent in the wild.

For the past year WWF has led a global campaign to tackle this illegal trade called Stop Wildlife Crime and is a traditional leader on global species conservation. The U.S. Government also has a critical role to play in the fight, helping developing countries to protect their wildlife populations and pressuring the consumer countries to reduce their demand.

The Fish and Wildlife Service is at the forefront of many of these efforts. Through the Multinational Species Conservation Funds it makes targeted investments in conservation of several global priority species. In 1989, Congress passed the African Elephant Conservation Act to deal with the then poaching crisis that we were facing, and since then four more funds have been authorized to support conservation of Asian elephants, great apes, marine turtles, tigers, and rhinos. They are modest programs. Appropriated funds have remained roughly 30 percent or less of the authorized level, but the small grants that they provide have played a critical role in saving wild populations by controlling poaching, reducing human wildlife conflict, and protecting the central habitat. Over 2,200 grants have been dispersed over 265 organizations for conservation projects in 75 countries, grants that consistently leverage between two to four times as much in matching funds from public and private partners and over 90 percent of the appropriated funding goes directly into the grants. It is minimal administrative costs.

With support from these funds WWF has supported large-scale anti-poaching operations to protect elephants in Cameroon's Campo Ma'an National Park, to create wildlife quarters to protect tigers in Sumatra's Riau Province, to support community-based programs in Costa Rica that turned marine turtle poachers into marine turtle protectors, and anti-poaching habitat restoration and rhino monitoring efforts in the Nepal's Chitwan Province that ensured no rhinos were poached there in 2011.

In addition to my role representing WWF, I also coordinate with Wildlife Conservation Society, the Multinational Species Coalition, which is a diverse group of over 30 organizations that represent sportsmen, conservationists, zoos and aquariums, circuses, and animal welfare groups, all which strongly support the Multinational Species Conservation Funds, and we request that the subcommittee fund them at the Administration's request of $9.8 million.

We also request support for the Administration's request for $13.5 million for the Fish and Wildlife Service Office of International Affairs, which includes both the Wildlife Without Borders Program and their International Wildlife Trade Programs. The Wildlife Without Borders Programs provide regional-level support, capacity building, outreach, education, training in priority areas in Africa, Latin America, and elsewhere to support the species funds such as training African wildlife professionals to deal with bushmeat trade, bolstering local wildlife laws, increasing enforcement to capacity in African countries, and addressing declines of critically-endangered species such as amphibians. They also support the international treaties that the U.S. is party to, such as CITES.

And the Wildlife Trade Program works to fight the $10 to $20 billion annually illegal trade in wildlife and wildlife products, which is closely linked to other transnational organized crimes and

not only threaten species but also poses security threats in places like Africa.

The last couple of programs I would like to mention are the U.S. Fish and Wildlife Service Office of Law Enforcement. We support the Administration's request for $68.3 million for that office. They have some important work that they do on international. They are looking to put agents in a couple of key places like East Africa. They have one in Bangkok now to help deal with this international nexus. They also recently had this huge bust called Operation Crash with dozens of rhino horns and millions of dollars in assets found here in the U.S. It was part of a rhino horn trafficking ring.

And they also do important work to enforce the Lacey Act Amendments of 2008. They have additional mandates under those amendments on plant and plant species that have yet to receive funding to carry out those mandates, so we request the committee support $4.2 million to support them in that work. Illegal timber costs the U.S. forest products industry about $1 billion annually it is estimated.

Finally, support for the President's America's Great Outdoors Initiative and the Land and Water Conservation Fund, full funding at the $900 million by 2015, and the U.S. Forest Service International Programs at $8 million.

Thank you for the opportunity to testify.

Mr. SIMPSON. Thank you. The rhino horn what did you call it? Trade.

Mr. GARTSHORE. The rhino horn trade?

Mr. SIMPSON. Yes. That is weird that there are illegal trading activities. I have heard of drug cartels but rhino horn cartels?

Mr. GARTSHORE. It is true. Yeah. It is estimated at around $10 to $20 billion annually depending on who you talk to, and there is actually an assessment going on.

Mr. SIMPSON. That is amazing.

Mr. GARTSHORE. Secretary Clinton back in November called for an assessment of U.S. knowledge on how this impacts U.S. security interests in places like Africa. I mean, the ivory trade obviously has security implications. So that is currently ongoing.

Mr. SIMPSON. While this question is not really dealing with the budgets, I suspect all of you support the Endangered Species Act. You know it has not been reauthorized for 23 years now.

Ms. BEETHAM. Yes, sir, we know.

Mr. SIMPSON. Are you out pushing to try to get the appropriate authorizing committees to do a reauthorization of the Endangered Species Act or any of the other 59 programs or whatever it is where the authorizations have expired in our appropriation bill?

As you know, we have tried to put emphasis on that a couple of years ago when we had, I think it was called the Extinction Rider, that did not fund the Endangered Species Act, trying to put some pressure on the committee that we are not going to continue just to fund things when the authorizations have expired when they are not going to take them up and do them. Obviously that did not work, but somehow we have got to get everybody that is involved and has an interest in some of these programs and some of these acts like the Endangered Species Act, sitting at a table and working out a reauthorization instead of just expecting the appro-

priating committee to continue to fund these year after year after year.

So I would encourage you to do that if it is at all possible, and if it is, you will have better luck than I have.

Ms. BEETHAM. Mr. Chairman, could I just say that we would work with the authorizers if they decided to take up a reauthorization, but I will say that Defenders of Wildlife believes that the ESA as it currently stands is fundamentally sound, but we understand your concern because you deal with House rules and everything as well, and, you know, we would certainly work with the authorizers if they were going to move a reauthorization.

Mr. SIMPSON. My problem with the Endangered Species Act is the lack of species that we have actually recovered. There are, I cannot remember the exact numbers, numbers that have been listed and the number that we have recovered, the percentage we have recovered has been very, very little. I am not saying it has not done good work in some areas, but almost everybody I have talked to, including Secretary Salazar and others said, yes, there are things we could do to make it work better to carry out the intent of the Act.

But it is a discussion that Congress needs to have, members of Congress need to have. I mean, there are admittedly some people that would like to do away with it. I do not happen to be one of them. I just want to see it work more effectively than it currently does.

Any other questions?

Ms. HERRERA BEUTLER. Thank you very much to both of you.

I guess I just wanted to follow on that, and you know, I am from the Pacific Northwest. We are very proud of what we have and would like to protect it. I guess in light of your comment, though, that as it stands it does not seem like reforming or changing or adapting or bring it into the 21st century is your concern.

I did not know if you were aware in, for example, in Gifford Pinchot National Forest in my neck of the woods, a significant amount of the forest has been just pretty much closed, whether it is litigation or what have you. About 20 years ago, under the Northwest Forest Plan, there was significant portions of land set aside to protect for a single species.

Well, I am anxious for reform because 20 years later that same species has declined at 3 percent per year. Not only that, they are now adding other species because of the policies we have implemented, and I think Fish and Wildlife now in order to protect the spotted owl is literally sending people into the woods with shotguns to shoot the barred owl, and I just use that as an example. Does that not sound like something? So it has not worked to protect those species, and we are all concerned about them, but I think that single species approach is begging reform.

Ms. BEETHAM. If I could just say, what I would say is that we believe that the Endangered Species Act has stopped the decline of many species and has prevented the extinction of species, which was what it was——

Ms. HERRERA BEUTLER. And I am not one of those that wants to get completely——

Ms. BEETHAM [continuing]. Enacted to do. We do believe that, number one, we do believe that the recovery budget needs more funding. We do think that funding is an issue for things that the Fish and Wildlife Service could possibly do. I will also say we do believe that there are things that the Fish and Wildlife Service can already do under the current law, and we are working, Defenders is working on something, and we would be happy to come in, maybe later this year once we actually get, you know, get our plans straight, that we would hope would begin to bring more species to recovery.

So, you know, we believe the act has been successful in stopping extinctions, and we do want to work with the Fish and Wildlife Service to begin to bring more species to recovery and work more efficiently, which we actually believe that they can already do under the current law.

Thank you very much.

Mr. STRICKLAN. Mr. Chairman—sorry. If I might and I know that you are under time constraints, my name is Dave Stricklan and before I was a professor I was a wildlife biologist for the Forest Service, and I have written a may effect finding under the Endangered Species Act for grizzly bears. Been on the ground when that happened, and you get a call from the governor's office, and you get a call from everywhere.

And I am very much a supporter of the Endangered Species Act and maintaining it, but the key criteria is that what we are doing is we are approaching these species by species, and you know, we need a desert step, sagebrush reserve that takes care of pigmy rabbits and sage grouse and sage thrasher and sage sparrow and those kind of——

Ms. BEETHAM. More of an ecosystem approach.

Mr. STRICKLAN. And there are fine minds that understand this, and we get at this slowly by things like the Random Water Conservation Fund and that kind of thing, and we put these things together, and that one for us on the ground works. But it is a big deal, and it is tough to do individually. I think we all agree that we would not want to give up what we have for those protections, and it does work, and it has kept us from having more problems, but we have got to have an ecosystem approach.

Ms. HERRERA BEUTLER. I do agree with the ecosystem approach. I guess I would argue it is not working as well as it should if the whole reason that most of our national forest was set aside was for the spotted owl, and in that time the spotted owl has still declined.

So we want it to work. I just am curious. We are going to need some solutions, and I agree. I think ecosystem is the way to do it because now we have other species who are in danger because we managed for one species.

Mr. SIMPSON. Thank you. Jim.

Mr. MORAN. Mr. Chairman, in the current legislative environment reauthorization of ESA would be an endangerment to endangered species.

Mr. SIMPSON. I do not think so.

Mr. MORAN. We will see.

Mr. SIMPSON. As I said, there are people who would like to do away with the Endangered Species Act. I do not think that is a majority. In fact, I do not even think it is close to a majority.

Mr. MORAN. Not on this subcommittee at least. I am not sure about natural resources.

Mr. SIMPSON. I do not think so in Congress.

Mr. MORAN. Anyways, I hope not. It just that I am aware of the interest groups that represented priorities that are very much different from the people before us today who, you know, like to scapegoat the endangered species for other problems they have anyway.

I want to thank all of you for what you do. You do a great deal with very little. You are asking for a relative pittance. I mean, compared to what we spend on entitlement programs or some of our weapons systems or let alone do some of the special interest provisions that the tax code is replete with, you are asking for very, very little money, and yet what you are trying to achieve has a dramatic impact upon our ecosystem, both domestically and internationally.

With regard to the international ecosystem, it is just astounding that Ms. Aylward's testimony, she cites the fact that illegal trade in African elephants and ivory particularly resulted in the deaths of 25,000 African elephants just last year alone. That is just devastating to a population that they used to be tremendous assistance back in a number of cultures in terms of transportation. I mean, it is logistic animals that if we lost them, it would be just tragic.

But also just from a pragmatic standpoint, that illegal trade is helping criminal syndicates, international criminal syndicates, and in some cases even terrorist organizations, terrorist networks.

So if we cannot win the argument in terms of just what is right and what is healthy for our ecosystem, I think we have a compelling argument that we have got to stop that source of revenue going into these international criminal networks.

But I thank you for your testimony. You have raised issues that we could spend all day talking about. Unfortunately, we have very limited time for these outside interests, and I appreciate the fact that the Chairman does give us this time, so I do not want to abuse it, but again, thank you for all that you do. It is appreciated.

Ms. KEENAN AYLWARD. Thank you, Congressman. If I could just take a minute to respond, we are really concerned about the illegal poaching crisis. We have put out a study recently in PLAS that indicates that where you have law enforcement entitles, figures, people near hunting areas, near roads, you actually can significantly reduce the elephant poaching numbers. So we know how to fix it, and it is simple law enforcement training, building up that capacity in these countries.

So we are concerned that extinction is looming in the near future, and you know, as quickly as 5 to 10 years if the problem does not reverse itself, but we also know there is a solution out there, and the Fish and Wildlife Service has some great programs. The Species Funds help address this. The Office of Law Enforcement also addresses this, but also having some emergency funding to address this would be really useful.

Mr. MORAN. Some African governments are cooperating with us. We have got a lot of technology that our military has developed that can be very helpful; night vision goggles and aerial surveillance and so I am not sure we are using enough of it, and I am not sure we are getting the kind of cooperation we should be getting from all of the African nations. The fact is that eco-tourism and safaris that are not about shooting animals but appreciating them in their natural habitat is a tremendous source of economic growth and revenue to many African nations but not all of them.

And so if there are ways we can help in encouraging the State Department learn to use what leverage we have, even the Defense Department, I would hope you would give us an opportunity to do that.

Ms. KEENAN AYLWARD. We would certainly support that, and we see, you know, these crime syndicates. It is shocking to think that people would dedicate their lives to making money off of wildlife parts, but really the deterrence is so low, it is the same people who are operating, the same syndicates that are working in narcotics and human trafficking, and they see very little risk associated with diversifying their investment portfolio, if you will, into wildlife products. The penalties are not that high, the prosecutions do not happen that often, but what I like to say is it is like the Al Capone scenario. If you cannot get them on racketeering, go after tax evasion. You might be able to get them on wildlife trafficking, bring them down, prosecute them, get them out of the system, and at least reduce in some way the criminal syndicate activity and the destabilization effect and the national security interest associated with it.

Mr. SIMPSON. Well, being Republican I am just thrilled that we are all worried about elephant extinction, and I am glad to see the bipartisan effort here, even though every 2 years you try to make us extinct.

Mr. MORAN. Nobody gives the donkey any respect, so I am not even going to try to go there.

Mr. SIMPSON. Did you have anything, Tom?

I thank the panel for your testimony, and let me say that our last panel, we have votes right now, three votes, one 15, and two fives, and then we will be back over to do the last panel.

So if you are waiting, you have to wait a few more minutes. So appreciate it. Thank you all for being here today.

[Recess.]

Mr. SIMPSON. Dr. Jonathan Gassett.

TUESDAY, APRIL 16, 2013.

KENTUCKY DEPARTMENT OF FISH AND WILDLIFE RESOURCES

WITNESS

JONATHAN GASSETT

Mr. GASSETT. Thank you, Chairman Simpson and hopefully some members of the committee here shortly. I am John Gassett, Commissioner of Kentucky Department of Fish and Wildlife Resources

from the great State of Kentucky. I am the past President of the Association of Fish and Wildlife Agencies, which is a trade association of the 50 State Fish and Wildlife Service Agencies. I am also currently a member of the North American Wetlands Conservation Council and the Wildlife and Hunting Heritage Conservation Council.

And I am here today to speak briefly on the importance of several federal grant programs to states and where conservation really hits the ground. The State and Tribal Wildlife Grants Program, the North American Wetlands Conservation Act, and if time permits, the Neotropical Migratory Bird Act and Cooperative Endangered Species Act, all of which fall under Fish and Wildlife Services budget.

As you know, federal grant programs to states are vital to conservation for our Nation's fish and wildlife, particularly for those species that are at risk. Since states hold principle management authority and responsibility for fish and wildlife, those fish and wildlife agencies in the states are on the frontlines for conservation, and they are critical for doing some of the things that you talked about earlier today, preventing species from becoming endangered and subsequently becoming listed.

Congress recognized the important role of the States in 1980, when it passed the Fish and Wildlife Conservation Act, and in 2000, the State Wildlife Grants Program, which was created to provide funding to conserve at-risk species through the development of state wildlife action plans. And the purpose of those, of course, is to prevent species from becoming listed and to keep common species common through proactive conservation measures.

The vision we think laid out by Congress when it established the State and Tribal Wildlife Grants Program was simple; establish a new partnership between the states and the Federal Government to create a non-regulatory alternative to prevent new endangered species listings, and I come here today to inform you that this innovative approach is working, and the federal investment in these plans through the State and Tribal Wildlife Grants Program is, indeed, preventing new federal listings.

I am going to give you a few examples because I am one of these guys, I like concrete examples of how conservation is effective on the ground, but we do have a success story report on the wildlife page that is produced by the Association of Fish and Wildlife Agencies. It has a comprehensive review of some of these species that have been conserved.

The earlier panel brought up the pigmy rabbit. It is, of course, the smallest rabbit in North America. It is found in the western U.S. It was petitioned for federal listing in 2003. State and Tribal Wildlife Grant funding was used to conduct surveys, do research, and actually start a captive rearing program for this species, and in 2010, the U.S. Fish and Wildlife Service made a finding that federal endangered species listing was not warranted for this species. This determination was due in large part because of the survey work and the conservation actions that were funded directly by the State and Tribal Wildlife Grants Program.

The Eastern hellbender, a little closer to my home, is North America's largest salamander. It has been petitioned by the Fed-

eral Government for Endangered Species Act listing, and State and Tribal Wildlife Grants Program dollars are being used to develop monitoring protocols and innovative environmental DNA techniques which will allow biologists to more efficiently find and determine the status of the species, basically a technique where you can sample the water and determine whether the species occurs in that watershed.

States are also raising hellbenders in captivity and releasing them into suitable habitat, which is a form of pit starting that is speeding recovery. In Kentucky, in my home State of Kentucky, we are funding with the State and Tribal Wildlife Grants Programs to identify strains with healthy producing populations of hellbenders so that we can work with private landowners to maintain water quality at those sites. And since the range of this species covers more than a dozen states in the Southeast, federal listing would have far-reaching regulatory impacts on things like mining and timber harvest and other development projects. We think we can keep this species off the endangered species list if we continue investing in proactive versus reactive conservation.

The mountain plover is a bird familiar to the Great Plains that was proposed for federal listing as well. State and Tribal Wildlife Grant Program is being used to conduct surveys and support research to start a cooperative nest avoidance program with farmers and ranchers. Through these efforts the number of known breeding pairs has increased from just over two to over 400 now. Conservation work funded through State and Tribal Wildlife Grants was cited as a factor that precluded federal listing of this species. Federal listing could have impacted ranching and other livelihoods in nearly a dozen western states.

So there are three good examples, concrete examples of how this thing works. It is very difficult to delist a species as you pointed out earlier, but the State and Tribal Wildlife Grants Program was largely responsible for the delisting of the federally-threatened Lake Erie water snake in 2010. So it is rare when one is removed from the list, but it is possible to do so in a relatively short time through good planning, conservation, and funding through State and Tribal Wildlife Grants Programs.

I want to speak briefly about the NAWCA Project or the NAWCA Act as it is close and personal to me, but it is the Wetlands Conservation Act that is an innovative program that is matched by more than three non-federal dollars for every dollar. It helps us to reclaim our wetlands, reclaim or recover our wetlands, and it is probably some of the most critical habitat that we will deal with in our country. Funding for that program has been reduced by 30 percent over the last 4 years, and we are seeing losses in wetlands that are unprecedented now.

So with, Mr. Chairman, in summary, these federal grant programs are important to continuing the long-established partnership between State and federal agencies to conserve fish and wildlife, especially those that are at risk. The recent spending cuts to these programs especially are slowing the progress to conserve at-risk species in a time when success is actually being demonstrated. We have on-the-ground demonstrations that these programs work.

In the area of declining budgets we understand dollars are tight, but it is a wise decision to invest in the preventative proactive conservation measures so that we can reduce the need for federal intervention and regulation that can negatively impact local economies and jobs.

Thank you, Mr. Chairman, for your time. I would be happy to answer any questions.

[The statement of Jonathan Gassett follows:]

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

Jonathan Gassett, PhD
Commissioner, Kentucky Department of Fish and Wildlife Resources

April 16, 2013

Thank you, Chairman Simpson, Ranking Member Moran and Subcommittee Members for the opportunity to testify today. I am Dr. Jon Gassett, Commissioner of the Kentucky Department of Fish and Wildlife Resources, Past President of the Association of Fish and Wildlife Agencies and current member of the North American Wetlands Conservation Council and the Wildlife and Hunting Heritage Conservation Council. I come here today to speak about the importance of the State and Tribal Wildlife Grants Program, North American Wetlands Conservation Act, Neotropical Migratory Bird Act, Cooperative Endangered Species all of which are within the US Fish and Wildlife Service budget.

Federal grant programs to states are vital to the conservation of our nation's fish and wildlife, particularly those that are at-risk. Since states hold principal management responsibility for fish and wildlife, these agencies are on the front lines of conservation and critical to preventing endangered species listings. Congress recognized this important role of states in 1980 when it passed the Fish and Wildlife Conservation Act. In 2000, the State Wildlife Grants program (later renamed State & Tribal Wildlife Grants Program) was started to provide funding for states to better conserve at-risk species through the development and implementation of State Wildlife Action Plans. The purpose of these plans is to prevent endangered species listings and keep common species common through proactive conservation measures.

The development of State Wildlife Action Plans was historic as it was the first time in history that comprehensive fish and wildlife conservation plans were in place in every state, territory and the District of Columbia. In these plans, Congress required that states identify the species that are at-risk, in other words those species that could be facing federal endangered species listing in the future if steps are not taken. The plans identified key habitats, priority threats and needed conservation actions to reverse population declines. The plans used the best science and thinking of leading experts from state and federal agencies and private conservation organizations. The plans were reviewed by and approved by the US Fish and Wildlife Service.

The vision laid out by Congress when it started the State & Tribal Wildlife Grants program was simple; establish a new partnership between the states and US Fish and Wildlife Service to create a non-regulatory alternative to prevent new endangered species listings. I come here today to inform you that this innovative approach is working and the federal investment in these plans through the State & Tribal Wildlife Grants program is indeed preventing new federal listings. I will cite just a few examples of those successes; there are numerous others that can be found in a Success Stories Report produced by the Association of Fish & Wildlife Agencies. Next year, summaries of all projects funded through this program will be available to

the subcommittee and the public through the new Wildlife TRACS reporting and tracking system being developed by the US Fish and Wildlife Service in collaboration with the states.

The **Pygmy Rabbit** is the smallest rabbit in North America. It is found in the western US and was petitioned for federal listing in 2003. The State & Tribal Wildlife Grants was used to conduct surveys, do research and start a captive rearing program. In 2010, the US Fish & Wildlife Service made a finding that federal endangered species listing is not warranted. This determination was due in large part because of survey work and other conservation actions funded through the State and Tribal Wildlife Grants program.

The **Eastern Hellbender** is North America's largest salamander. It has been petitioned for federal Endangered Species Act listing. The State & Tribal Wildlife Grants Program is being used to develop monitoring protocols using innovative e-DNA which will allow biologists to more efficiently find and determine status for this species. States are also raising hellbenders in captivity and releasing them in suitable habitat, a form of head-starting that is speeding recovery. In my state of Kentucky, we are using funding from the State and Tribal Wildlife Grants program to identify streams with healthy reproducing populations of hellbenders so that we can work with private landowners to maintain water quality at those sites. Since the range of this species covers more than a dozen states in the southeast, federal listing would have far-reaching regulatory impacts. We think we can keep this species off the federal endangered species list if we continue investing in proactive conservation.

The **Mountain Plover** is a bird found in the Great Plains that was proposed for federal endangered species listing. The State and Tribal Wildlife Grants program is being used to conduct surveys, support research and to start a cooperative nest avoidance program with farmers and ranchers. Through these efforts the number of known breeding pairs has increased from just two to over 400. The conservation work funded through State & Tribal Wildlife Grants was cited as a factor that precluded federal listing for the species. Federal listing could have impacted ranching and other livelihoods in nearly a dozen western states.

Throughout the country, **Freshwater Mussels** have been declining, leading to new federal listings and petitions. In Alabama alone, there are 79 federally listed and candidate mussel species. The State and Tribal Wildlife Grants program was used to construct and operate the Alabama Aquatic Biodiversity Center which is on the forefront of restoring imperiled mussel populations. Surveys funded through the program have even rediscovered two mussels that were believed to be extinct. Virginia and numerous other states are using the State & Tribal Wildlife Grants Program to propagate at-risk mussels and fish and release them into suitable habitat. In my state we used State & Tribal Wildlife Grants to improve mussel and fish passage and to develop a laboratory at Kentucky's Center for Mollusk Conservation to raise and release rare mussels.

The State and Tribal Wildlife Grants program is helping to recover many iconic species. The program is funding conservation work on Sage Grouse, Louisiana Black Bear, Lesser Prairie Chicken, Whooping Crane, Fisher, Spotted Salamander, Bog Turtle, Pica, Swift Fox, Lake

Sturgeon and many other at-risk species. The program was largely responsible for the de-listing of the federally threatened Lake Erie Water Snake in 2011. It's rare when a species is removed from the federal list, but it is possible to do so in a relatively short time when good planning, conservation and funding from State and Tribal Wildlife Grants programs are part of the mix. The program not only conserves species, but it reduces regulatory uncertainties and involves the public through voluntary conservation incentives.

Despite these many successes, the State & Tribal Wildlife Grants program has been cut by over 35% since 2010. The program was never bloated. At the current funding level of less than $60 million, direct funding to states and territories averages just $800,000. This equates to just $3,750 per at-risk species. The cost to recover a single endangered species is often in the millions of dollars. The State and Tribal Wildlife Grants program is a cost effective and efficient approach to conserving at-risk species. We need to scale up investments in this kind of work, not reduce it at a time when petitions for federal listing are skyrocketing, including 600 new petitions just within the last three years.

Another grant program that is important to the states is the **North American Wetland Conservation Act**. This program has spurred an innovative federal, state and private partnership to conserve our nation's wetlands in support of the North American Waterfowl Management Plan. The program has resulted in the conservation of more than 26.5 million acres of wetlands and associated habitat since 1991.

Since 2010, funding for the program has declined by 30%. The loss of funding is slowing the conservation of wetlands that are not only vital to many at-risk species but are also important for flood retention and soil and water quality protection. These cuts come at time when we are seeing increasing threats to wetlands in many places, especially in the Great Plains due to drainage and drought. As a nation we have already lost over 50% of our wetlands and continue to lose over 80,000 acres annually. This program is helping to reverse that trend.

The North American Wetland Conservation Act is one of the federal government's most cost-effective conservation programs and leverages over $3 in non-federal funding for every federal dollar spent. These expenditures create nearly 7,500 new jobs annually in the United States, generating over $200 million in worker earnings each year. More than 4,500 separate partners have been involved in 2,216 projects nationwide, including all 50 state fish and wildlife agencies, hundreds of private landowners, private conservation organizations, corporations, businesses, tribes, and local governments. Many projects also improve access for hunting and other recreational pursuits.

The **Neotropical Migratory Bird Conservation Act** program promotes the long-term conservation of many at-risk migratory birds. The program has been cut by over 25% since 2010. More than 3 million acres have been conserved through the program during the last decade and it leverages $4 in non-federal funds for every federal dollar. The modest investment in these grants is needed to ensure the full lifecycle requirements of migratory birds are met. This will help ensure investments made in the US through State and Tribal Wildlife

Grants, Bird Joint Ventures, National Wildlife Refuges etc. are sustained. We can do all the conservation work money can buy in this country on the breeding grounds, but if wintering habitat is disappearing elsewhere in the hemisphere, at-risk bird species will continue to decline. This is the same approach that has been used for decades to ensure continental waterfowl populations are maintained.

The program also has a significant impact on the economy and jobs by helping ensure migratory birds return to the US each year. In 2011, the National Survey of Fishing, Hunting and Wildlife-associated Recreation reported that 17.8 million people traveled to watch birds, resulting in millions of dollars being contributed to local economies. Helping communities take ownership of their natural resource wealth and cultivate it to create new jobs and opportunities is an important step to fostering security and good international relations throughout the Hemisphere.

The **Cooperative Endangered Species Conservation Fund** has been cut by over 45% since 2010. The program provides assistance to state fish and wildlife agencies for at-risk species recovery and land conservation. Grants awarded through this program assist states with monitoring of federally listed species and incentivizes the development and implementation of habitat conservation plans that help ensure species recovery is compatible with economic development and job creation. Many States rely heavily on this funding to implement endangered species conservation programs. This funding greatly enhances the States' ability to implement conservation to recover listed species and to preclude the listing of candidate species. Grants allow the US Fish and Service, States and their partners to work cooperatively on recovery actions identified in species recovery plans. In Kentucky a Habitat Conservation Plan is being developed for the Northern Cumberland Region which will allow the states of Kentucky and Tennessee to minimize and mitigate impacts to 22 federally endangered or threatened species.

In summary, these federal grant programs are important to continuing the long-established partnership between state and federal agencies to conserve fish and wildlife, especially those that are at-risk. The recent spending cuts to these programs are slowing progress to conserve at-risk species at a time when success is being demonstrated. There are few issues that are as bipartisan as preventing endangered species listings but positive outcomes are only possible with sufficient federal, state and private investment. Even in this era of declining budgets, it is wise to invest in preventative proactive conservation measures so we can reduce the need for federal intervention and regulation that can negatively impact local economies and jobs.

Mr. SIMPSON. I appreciate that. Next we have Greg Knadle, Vice President of the Fish and Wildlife Foundation, and as I understand it the first and only former singing appropriator.

TUESDAY, APRIL 16, 2013.

NATIONAL FISH AND WILDLIFE FOUNDATION

WITNESS

GREG KNADLE

Mr. KNADLE. I deny that. Thank you, Mr. Chairman. As you said, I am the Vice President for government affairs at the National Fish and Wildlife Foundation. It has been a great year for the foundation. We continue to grow on all fronts, private donations have increased, corporate donations have increased, our federal funds that we manage for other agencies have increased, the court settlement and mitigation money that we continue to run to do conservation have all increased. So we are really doing very well and doing a lot of on-the-ground conservation. I think this year we will exceed $120 million of on-the-ground conservation.

Since we started in 1984, we have taken $576 million in federal funds, turned it into $2 billion in on-the-ground conservation. We have done it with less than 5 percent aggregate overhead to the government and with about 100 staff. So we try to stay lean and mean. One of our metrics is dollars granted per staff member, and we continue to stay right about $1 million per staff member granted annually.

So I am going to do something strange and not go through and tell you what we are asking for. I am just going to tell you some of the things we are doing.

One of the cool things we are doing right now, it is kind of exciting, is Hurricane Sandy response. So, you know, Hurricane Sandy was devastating to the Northeast United States, and one of the things it did was scour many beaches that are vital to migrating shorebirds. One of these shorebirds is called a red knot. It is a little tiny thing about that big, and these birds fly 18,000 miles roundtrip every year from the Arctic to the tip of Argentina and back. They stop at only a couple of locations. By the time they have stopped they have lost more than half their body weight. They feed, feed, feed, feed, feed, and then they pick up, and they go the rest of the way. One of those places is Delaware Bay.

So we are currently, as we speak sand is being moved in Delaware Bay with a foundation grant so that when red knots come in here in May, that they will have hopefully enough food through the horseshoe crab. The horseshoe crabs lay their eggs there. There will hopefully be enough food so they can make it back up to the Arctic. If that does not happen, you are probably looking at a listing scenario because the population will crash that bad.

You have heard, I am sure, about the BP Transocean settlement. Earlier this year the U.S. District Court approved two plea agreements, one for each BP in Transocean. The foundation is going to be $2.5 billion to manage—to do projects in the Gulf. We have set up the structure to do this. We are working with the states, con-

sulting with the feds. We will hopefully have the first projects on the ground before the end of the calendar year, and we will be moving steadily forward to restore the Gulf. It is a huge dollar amount. I want to tell you that it does not change the rest of what the foundation does. People kind of looked at us like we won the jackpot when we got that settlement, but it really is not a jackpot for us. It is a jackpot for the Gulf of Mexico. We are simply going to be able to manage it and coordinate it and try to make sure it does the best conservation possible.

A couple other things we are doing. We continue to work in the Chesapeake Bay, the Great Lakes, Long Island Sound. We are bringing in more and more corporate money. We are starting to look at non-traditional federal agencies to do conservation. We signed an agreement with Department of Defense and with U.S. Marine Corps to do longleaf pine restoration in the Southeast. We are discussing other issues notationally with them to recognize that your bill alone cannot carry the weight and that, you know, there are other conservation dollars out there.

In your neck of the woods we are working on corridor issues, wildlife corridor issues in what we call the crown of the continent area, and you know, we are looking at working with DOT to try to do wildlife crossings to reduce the number of wildlife vehicle interactions, which surprisingly costs all of us a lot of money every year in insurance rates and other issues.

So there are a lot of cool things we are working on. One of the things we are trying to do is reach out and work more on getting tribal involvement in conservation and bridging the gap between the traditional feds and the tribal conservations.

One thing I want to bring up, we this year commissioned a study that looked at the total economics of conservation spending in the U.S., and it turns out it is almost $100 billion annually, and when you take that and you combine it with the outdoor recreation and the historic preservation, the total economic activity that produces in this country is $1.7 trillion. It is enormous, and it produces about $211 billion in federal, state, and local taxes. About 12 million jobs, almost 13 million. It is all dependent or primarily dependent on the funding in your bill for the land management agencies, the recreation and the historic preservation pieces. If that goes away, then a portion of that piece of the economy goes away.

Finally, I just want to say quickly we have our reauthorization bill introduced in both the House and the Senate. The House sponsors are Congressman Grimm from New York and Congressman Dingell, Dean of the House. So we will be probably shopping around for cosponsors here soon.

So with that I will cut it short and be happy to answer any questions.

[The statement of Greg Knadle follows:]

TESTIMONY OF GREG KNADLE, VICE PRESIDENT, GOVERNMENT RELATIONS
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING
FY 2014 BUDGET FOR THE U.S. FISH AND WILDLIFE SERVICE, BUREAU OF LAND MANAGEMENT AND FOREST SERVICE

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2014 funding on behalf of the National Fish and Wildlife Foundation (NFWF). **NFWF's FY 2014 appropriations request will be matched at least dollar for dollar with non-federal funds to conserve fish, wildlife and their habitats through local partnerships.**

We believe that NFWF is a sound investment in a time of constrained budgets because of our proven track record and statutory requirement to leverage federal funding with private contributions to maximize conservation benefit. We appreciate the Subcommittee's past support and respeetfully request your approval of funding at the following levels:

- **$ 7.525 million through the U.S. Fish and Wildlife Service's Resource Management appropriation;**
- **$ 3 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and**
- **$ 3 million through the Forest Service's National Forest System appropriation.**

Since its inception, NFWF has leveraged nearly $576 million in federal funds into more than $2 billion in on-the-ground and in-the-water conservation with less than 5% aggregate overhead to the federal government and 100 staff nationwide. In 2012, NFWF supported a total of 505 projects. We used $42.6 million in federal funds as a springboard to leverage an additional $149.5 million in private contributions and grantee matching funds, for a total investment of more than $192 million.

NFWF was established by Congress in 1984 to catalyze private investments to conserve fish, wildlife and their habitats. NFWF is required by law to match each federally-appropriated dollar with a minimum of one non-federal dollar. We consistently exceed this requirement by leveraging federal funds at a 3:1 average ratio while building consensus and emphasizing accountability, measurable results, and sustainable conservation outcomes.

The goal of NFWF is to ensure abundant wildlife species in order to allow the economic health of our nation to continue. The key elements of our approach include: (1) leverage, (2) efficiency, (3) partnerships, (4) transparency, and (5) measurable outcomes.

I want to highlight a couple of NFWF projects that you may have heard about recently.

Hurricane Sandy Response: Hurricane Sandy surged up the Eastern Seaboard in October 2012, devastating coastal communities in eight states. The storm was catastrophic in the mid-Atlantic, causing 199 deaths and $200 billion in property damage from North Carolina to New England. Sandy's high winds and water moved masses of coastal sediments and large debris, eroding

important beaches that are prime feeding grounds for a small shorebird called the Red Knot. These birds fly 30,000 miles annually from wintering grounds in Argentina to their breeding grounds in the Arctic and back. The beaches of Delaware Bay, where the horseshoe crabs lay their eggs, provide a vital stopover feeding area for the bird were heavily impacted by hurricane Sandy. NFWF immediately funded local groups to start restoring these beaches in a race against the bird's migration. By May of this year key beaches will be ready for the feeding birds, reducing the risk of a population crash and decreasing the chance that the bird will become critically endangered.

BP/Transoccan Deepwater Horizon Oil Spill Settlement: In early 2013, a U.S. District Court approved two plea agreements resolving the criminal cases against BP and Transocean which arose out of the 2010 Deepwater Horizon Oil Spill. The agreements direct a total payment of $2.544 billion to the NFWF to fund projects benefitting the natural resources of the Gulf Coast that were impacted by the oil spill. NFWF will carry out the plea agreements through its newly established *Gulf Environmental Benefit Fund* (Fund). Over the next five years, NFWF will receive a total of $1.272 billion for barrier island and river diversion projects in Louisiana, $356 million each for natural resource projects in Alabama, Florida, and Mississippi, and $203 million for similar projects in Texas. This program and the funds received pursuant to the settlement will be managed separately from all other NFWF programs.

NFWF Partnerships

With the Subcommittee's support, FY 2013 funds will support our long-standing partnerships and initiatives with the U.S. Fish and Wildlife Service, Bureau of Land Management, and Forest Service. Some of our priority initiatives for FY 2014 are described below:

Chesapeake Bay, Great Lakes, and Long Island Sound: Watershed health plays an important role in fish and wildlife conservation and has been a feature of NFWF's grantmaking since establishing our partnership with the Environmental Protection Agency (EPA) in 1998. In the last decade, NFWF has formed strategic public-private partnerships to restore and protect fish and wildlife habitat while improving water quality in the Chesapeake Bay, Great Lakes, and Long Island Sound. Federal partners in the programs include EPA, Department of Interior agencies, USDA's Forest Service, Natural Resources Conservation Service, National Oceanic and Atmospheric Administration, and others. NFWF leverages various federal funds for these partnerships but, more importantly, has attracted private contributions from corporations and other private foundations. Through these partnerships, federal agencies are able to leverage resources with NFWF's corporate sponsors and private contributions to increase the impact any one of them could have alone. NFWF's watershed grant programs continued positive results in 2012 with priority project requests far exceeding available funds.

Path of the Pronghorn: The epic migration of pronghorn across Wyoming is one of the longest of its kind in North America. In recent years, it had become one of the most treacherous. Along the path to and from the animals' wintering grounds, new development, fencing, and highways were blocking the age-old passage. Twice a year, thousands of pronghorn converged on a particularly dangerous bottleneck on Route 191, dodging vehicles as they crossed the highway. More than 700 pronghorn and mule deer had been killed and injured along a 27-mile stretch since 2007. Since 2005, NFWF had supported a multi-tiered approach to saving the path of the

pronghorn. After convening initial discussions with federal and state agencies, we launched a wider examination of pronghorn conservation. In 2012, a unique solution provided a safer way: the opening of two new wildlife overpasses and a series of underpasses designed to save the pronghorn and other animals from deadly interactions with traffic. NFWF worked with State and Federal partners on the fencing and passage issues that allow the pronghorn to benefit from the overpasses.

Longleaf Pine Ecosystems: In the Carolina low country and throughout the Southeast, the longleaf pine forest that once dominated the landscape now occupies less than three percent of its historic range. The trees provide shelter and sustenance for many species including the diminutive red-cockaded woodpecker. To protect both the forest and the species that depend on it, and to help ensure that the military mission of U.S. Department of Defense (DOD) bases and installations in the Southeast is maintained, NFWF signed its first-ever agreement with the DOD in 2011. It targets restoration of longleaf forests in high-priority buffer lands around DOD installations. The public-private effort includes support from the U.S. Forest Service, Natural Resource Conservation Service, and founding partner Southern Company, along with its four operating companies (Alabama Power, Georgia Power, Gulf Power, and Mississippi Power), and a new partnership with International Paper, which invests in sustainable management of the forests that supply its raw materials.

Jobs and Economic Benefits from Conservation Investments

In 2012, NFWF commissioned a study, *The Conservation Economy in America: Direct investments and economic contributions*, to determine the economic impacts of federal, state, local and private investments in natural resource conservation. The minimum total investment in natural resource conservation in the U.S. is $38.8 billion annually. This is a conservative figure given that data on the local and private investments is limited. More importantly, the total economic activity and jobs created by this spending is $93.2 billion and 660,000 respectively. When this data is combined with the economic output from outdoor recreation and historic preservation, the total economic impact is $1.7 trillion, returning $211 billion in federal, state and local tax revenue, and supporting 12.8 million jobs annually. This economy is largely dependent on federal investments in public lands, recreation and conservation programs that are funded in the Interior and Environment appropriation.

NFWF Reauthorization

The National Fish and Wildlife Foundation Reauthorization Act (H.R. 263) was introduced in the House in February 2012 and a companion bill (S. 51) was introduced in the Senate, both with strong bipartisan support. Both bills renew NFWF's direct appropriations authorization at a level of $25 million, a reduction in authorization of $5 million, for an additional five years. The $25 million authorization includes $15 million annually through the Department of the Interior; $5 million annually through the U.S. Department of Agriculture; and $5 million annually through the Department of Commerce. The bills affirm the original purposes of NFWF and strengthen NFWF's ability to raise private dollars, working with federal agencies more effectively, reducing bureaucratic burdens, and maximizing conservation outcomes. Importantly, the reauthorization will ensure NFWF's ability to save money for the federal government through efficient grant administration, effective collaboration, and significant leverage through private sector contributions.

H. R. 263 is sponsored by Congressman Grimm (NY) and Congressman Dingell (MI). S. 51 is sponsored by Chairman Boxer and Ranking member Vitter and include the following co-sponsors: Baucus (MT), Cardin (MD), Cochran (MS), Collins (ME), Roberts (KS), Stabenow (MI), Tester (MT), Udall (NM), and Whitehouse (RI). Legislative hearings are expected in both the House and the Senate in 2013.

Conclusion

For nearly three decades, NFWF has been at the forefront of national conservation activity. With our partners, NFWF has contributed to some of the nation's most important conservation programs, invested millions in worthy and successful projects, and spearheaded programs to conserve our nation's most treasured natural resources. We have a successful model of coordinating and leveraging federal funds and attracting support from the private sector to address the most significant threats to fish and wildlife populations and their habitats. NFWF currently has partnerships with 14 federal agencies and more than 50 corporations and private foundations.

Meaningful and measurable outcomes, evaluation, and accountability are NFWF's building blocks to ensure maximum conservation impact. We are working directly with the federal agencies and our other partners to maximize results and produce sustainable conservation outcomes. To that end, NFWF is incorporating monitoring and evaluation into our programs to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. We look forward to building on our partnerships with our federal agency partners in FY 2014 and appreciate the Subcommittee's continued support of these collaborative efforts.

Background on National Fish and Wildlife Foundation

As of FY 2012, NFWF has awarded over 11,600 grants to national and community-based organizations through successful partnerships with the Department of Interior Agencies, USDA's Forest Service and Natural Resources Conservation Service, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, Department of Defense, and others. This collaborative model brings together multiple federal agencies with state, tribal and local governments and private organizations to implement coordinated conservation strategies in all 50 states.

We work directly with federal and state agencies and our other partners to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. NFWF's grant-making involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are reviewed by the NFWF's science and evaluation team before being recommended to the Board of Directors for approval. By law, Congressional offices are notified 30 days in advance of any grant that will be given out in their district or state that includes more than $10,000 in federal funds.

Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2014.

Mr. SIMPSON. Appreciate that. James.

TUESDAY, APRIL 16, 2013.

PARTNERS FOR CONSERVATION

WITNESS

JAMES FAULSTITCH

Mr. FAULSTITCH. Thank you, Chairman Simpson. Thank you for the opportunity I will say to provide testimony for the fiscal year 2014 Interior Appropriations bill. I submit this testimony on behalf of the Partners for Conservation, which I will refer to as PFC in the future, a landowner-led, not-for-profit organization where I serve as Vice Chairman and also for myself, a private rancher and farmer from Highmore, South Dakota.

I have to confess, in our haste with calving and the winter storm, when Jonathan sent the e-mail to me, I misread it. I thought he said 5 hours of testimony. I understand we only have 5 minutes, so I am going to have to really condense here.

So, anyhow, as Vice Chair, private landowners working in partnership with U.S. Fish and Wildlife Service, we respectfully request that the subcommittee approve $75 million for the Partners for Fish and Wildlife program, which is the full amount authorized for the Partners for Fish and Wildlife Act, as well as funding for the Land and Water Conservation Fund to be used for conservation easements in priority areas that are crucial to future sustainability of this country.

The PFC sincerely appreciates the opportunity to present this testimony, and we appreciate the subcommittee's consideration of our request.

I want to tell you briefly about PFC. PFC is landowner led and operates under the following principles. Collaboration gets work done. Local lessons have national impact. Voluntary and incentive-based programs create trust and breed success, and sustainability is achieved by balancing ecology and economy.

Quite simply, PFC believes a holistic approach and communication are essential to the future of the United States of America. We seek to improve the quality, productivity, and economic viability of working landscapes in the communities that depend on them. PFC, although not yet at full strength, has a goal to have landowners' representation in all 50 states.

And I want to share with you that as I have gotten involved with the people from across the United States, I suggest the value in listening to landowners that place natural resources as a top priority. There are landowners out there that do not place natural resources as a top priority, but the ones that do you will find out it spills over into family, community, state, and country as well, and they are a very good sounding board. So I have learned that in my 60 some years.

PFC, with our growing membership across the country, strongly supports the Partners for Fish and Wildlife, and I will refer to it as Partners Program. This program is the most efficient and low redtape program in government today. The Partners Program has

huge economic and environmental spinoffs that support families across the country as well as maintaining viable populations of fish and wildlife and rely on private lands for their habitat needs.

The Partners Program is a voluntary program that has personally helped me protect my native grasslands and wetlands, keeping my ranch as well as ranches across the country in business, even in years of drought. This is very important to me as a rancher, but it is probably more important to your constituents and those constituents of your colleagues across the Nation. I will expand on that value in following comments.

The Partners Program works extremely well for landowners. Partners for Fish and Wildlife biologists work directly with the landowners so that the projects are a win-win for both agency and the landowner. The Partners Program has provided recreational opportunities on our ranch with pheasant and deer hunting, while providing good quality grass and water for my cattle operation, clean water and flood control, which is very important downstream, quality and productive crop yields on my farm ground, as well as preventing costly and disruptive listings of threatened and endangered species, and I really appreciate your concern of that act that you mentioned before. We could have another 4-hour discussion on that, but as a landowner I am very concerned. I would suggest that these programs that I am talking about today are the landowners' approach to solving that problem. That list is only going to get longer, and I would suggest the private landowners of this country are the solution to that act working better.

These indirect benefits have a huge economic and non-landscape value that should be expanded and should be the model for other government programs. It is critical during these tough times in our Nation that we keep working lands working. We cannot think just about today but instead need to think about tomorrow and the days ahead for our children and grandchildren, and I am running out of time, but I do want to share with you the value of these programs.

I have a daughter and son-in-law also in our operation. He is home calving in the snow banks so that I could be here, but he was able to be that next generation on the land because of conservation easements in the Prairie Pothole region. He was able to improve those easements through the Partners for Fish and Wildlife Program. The family is active in church and community and is paying taxes, not on the Welfare Program, and so these are the kind of programs that keep the next generation on the land as well as I think are the answers to the endangered species. And I have got a little grandson that I think should be on the list of endangered species as a rancher. So it does cut deep.

Thank you.

[The statement of James Faulstitch follows:]

Jim Faulstich - Landowner
Daybreak Ranch, Highmore, South Dakota
Vice Chairman of Partners for Conservation

Testimony on the Partners for Fish and Wildlife Program before the House Appropriations Committee, Subcommittee on Interior, Environment, and other Related Ageneies

Chairman Simpson, Ranking Member Moran and members of Appropriations Subcommittee on Interior, Environment and Related Agencies, thank you for the opportunity to provide testimony for the Fiscal Year 2014 Interior Appropriations bill. I submit this testimony on behalf of the Partners for Conservation (PFC), a landowner-led not for profit organization where I serve as the Vice Chairman, and for myself, a private rancher and farmer near Highmore, South Dakota. As private landowners working in partnership with the U.S. Fish and Wildlife Service, we respectfully request that the subcommittee approve $75 million for the Partners for Fish and Wildlife Program, the full amount authorized in the Partners for Fish and Wildlife Act as well as full funding for the Land and Water Conservation Fund to be used for conservation easements in priority areas that are crucial to future sustainability of this country. The PFC sincerely appreciates the opportunity to present this testimony and we appreciate the subcommittee's consideration of our requests.

PFC is landowner-led and operates under the following principals: collaboration gets work done; local lessons have national impact; voluntary and incentive based programs create trust and breeds success; and sustainability is achieved by balancing ecology and economy. Quite simply, PFC BELIEVES A HOLISTIC APPROACH AND COMMUNICATION IS ESSENTIAL TO THE FUTURE OF THE UNITED STATES OF AMERICA. We seek to improve the quality, productivity, and economic viability of working landscapes and the communities that depend on them. PFC, although not yet at full strength, has the goal to have landowner representation in all fifty states.

PFC, with our growing membership across the country, strongly supports the Partners for Fish and Wildlife (Partners) Program. This program is the most efficient and low red tape program in government today. The Partners Program has huge economic and environmental spinoffs that support families across the country, as well as maintaining viable populations of fish and wildlife that rely on private lands for their habitat needs. The Partners Program is a voluntary program that has personally helped me protect my native grasslands and wetlands, keeping my ranch, as well as ranches across the country, in business — even in years of drought. This is very important to me as a rancher, but is probably more important to your constituents and those constituents of your colleagues across the nation; I will expand on that value in following comments.

The Partners Program works extremely well for landowners. Partners for Fish and Wildlife biologists work directly with the landowner so that the projects are a win-win for both the agency and the landowner. The Partners Program has provided recreational opportunities on my property for pheasant and deer hunters, while also providing good grass and good water for my cattle operation; clean water and flood control; quality and productive crop yields on my farm grounds; as well as preventing costly and disruptive listings of Threatened and Endangered

Species. These indirect benefits have a huge economic and non-landscape value that should be expanded and should be the model for other government programs. It is critical during these tough times in our Nation that we keep working lands working. We cannot think just about today, but instead need to think about tomorrow and the days after that for our children and grandchildren.

We understand budget concerns and the need to cut spending. However, we believe these spending cuts should be accomplished with priorities in mind. We should look for efficiencies and support those programs that are working. The Partners for Fish and Wildlife Program is one program that is working. The Partners Program is a cost-share program, which requires a match from the landowner or other partners. The Partners program, therefore, is leveraging each Federal taxpayer dollar with at least three additional dollars for each project. We cannot afford to cut programs like this one that help bring money and jobs to the table.

Why, and how, would I leave my ranch during calving season, a season that determines our economic success for the year, to come to Washington, D.C. with this very important request? I believe I have explained the why, but please allow me to explain how I was able to leave the ranch at such a critical time.

I was able to answer PFC's request for a Board member to submit testimony and travel to our nation's capitol to present it because I have a very capable daughter and son-in law that are a part of our family ranch operation. They represent the next generation on the land that is concerned about the landscape and everything connected to it. A young family that is raising the next generation and future natural resource caretakers. A young family that is involved in church and community. A young family that is not drawing unemployment, but instead is paying taxes to the United States Government. So why are they so successful that I can be in attendance today? They were able to be the next generation on the land because of incentives to do what was right for their land in the Prairie Pothole region of South Dakota and were granted conservation easements to maintain native grasslands and wetlands. These are vitally important to this area because both native grasslands and wetlands are disappearing at alarming rates. They were also able to improve these easements through the help of the management assistance within the Partners for Fish and Wildlife. Conservation easements and the Partners for Fish and Wildlife helped them be caretakers of a landscape that is very crucial to the United States and our future existence.

The PFC, and my family and I, respectfully request that you fund the Partners for Fish and Wildlife Program, as identified in the Partners for Fish and Wildlife Act, at $75 Million, the full amount authorized. With this request, we further strongly encourage you to support U.S. Fish and Wildlife Service Director, Dan Ashe's, request to move the Partners for Fish and Wildlife Program to the National Wildlife Refuge System. My observation, and the observation of many landowners across the country, is that the Partners for Fish and Wildlife Program is most effective and efficient when it is managed as part of the National Wildlife Refuge System. Our request today is to have the program moved to the National Wildlife Refuge System across the country, both at Headquarters as well as all Regions. Partners' projects will remain in private ownership and the administrative move to the Refuge System will maintain this fact and meshes perfectly with the Refuge System's focus on community-based conservation. The combination of

a full $75 million dollar appropriation, with the efficiency of having the program consistently managed across the country, would be the best way to guarantee success.

On behalf of myself and members of PFC, I also request full funding of the Land and Water Conservation Fund to be used for conservation easements in priority areas that are crucial to future sustainability of this country.

Respectfully, the members of PFC and I thank you for the opportunity to provide this testimony. Members of the PFC and I are happy to answer any additional questions or concerns you may have regarding this request as you move towards a decision on this very important issue. I invite and encourage each and every one of you, along with all your colleagues to visit our ranch, or any number of other landowners in your home states to witness the value of the programs outlined in this testimony. I could not do justice to the value of these programs and what they accomplish for natural resources and landscapes with just my comments. Seeing is believing.

Thank you sincerely for your consideration.

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Mr. SIMPSON. I appreciate it. Thank you. Emily.

TUESDAY, APRIL 16, 2013.

MARINE CONSERVATION INSTITUTE

WITNESS

EMILY DOUCE

Ms. DOUCE. Mr. Chairman, I want to thank you for the opportunity to testify on fiscal year 2014 appropriations in regards to U.S. Fish and Wildlife Service, National Wildlife Refuge System. My name is Emily Douce, and I represent the Marine Conservation Institute, a non-profit organization that identifies important marine ecosystems and advocates for their protection for us and future generations.

Marine Conservation Institute supports the President's 2014 request of $499 million for the Refuge Systems Operations and Maintenance Account. However, Marine Conservation Institute is particularly interested in improving conservation and management in the four marine monuments established by President George W. Bush in 2006 and 2009. Collectively Papahanaumokuakea, Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments include 12 wildlife refuges of more than 20 islands, atolls, and reefs. The monuments are co-managed by the National Wildlife Refuge System and NOAA.

Together these monuments protect over 335,000 square miles of marine and terrestrial habitats for their national and cultural importance and historical significance.

For instance, the Pacific Remote Islands, Marine National Monument contains some of the last remaining, relatively intact coral reef ecosystems in the Pacific Ocean, and Marianas Trench, Marine National Monument encompasses the Marianas Trench, the deepest ocean area on earth and virtually unexplored frontier. In Papahanaumokuakea, also known as the northwest Hawaiian Islands, is location of the historic battle of Midway, which changed the tide of World War II in the Pacific Ocean.

The Marine Monument ecosystems are relatively intact, rich in biodiversity, and relatively free from the problems such as overexploitation, the servants and pollution plaguing many other marine ecosystems. Using these remarkably intact ecosystems, U.S. scientists are developing an understanding of what healthy and productive places really look like, which helps us to identify negative impacts from any ecosystems closer to home and shows us the benefits of restoration activities.

Although the monuments make up 1/3 of the refuge system, they receive less than 1 percent of the funding, which is about $5 million. Eighty percent of that amount provides funds to keep Midway Atoll Airfield operational 80 percent. Federal regulations require twin engine planes stay within 180 minutes of an airport for landing safely in an emergency. So in 2003, Congress directed the Fish and Wildlife Service and the Federal Aviation Administration to retain the airfield at Midway as a certified airport.

About 38,000 twin engine planes cross the Pacific Ocean every year. Without Midway these aircraft would need to alter their routes and would cause additional flight time and cost to the American population.

So keeping Midway operational is very important. However, that only leaves 20 percent of that $5 million for monument resource management, restoration, and research, which is about $1 million. This is a decrease, though, of $1 million from previous years. So it is now down to $1 million, originally two.

For science capabilities and visitor services to Midway, the public's only window into Papahanaumokuakea Marine National Monument and the historic Pacific World War II battle. Unfortunately, many years after the establishment of these monuments continued inadequate funds have left most monument management plans and fishing regulations unfinished, and most islands remain essentially unmanaged and unmonitored. Without adequate funding to conserve, restore, and protect our Nation's marine monuments these areas continue to be vulnerable to illegal fishing, accidental ship groundings and oil spills, and the introduction of invasive species. There have been several documented cases of both illegal foreign fishing and illegal trespass by commercial and recreational vessels.

Additionally, a recent storm destroyed vital infrastructure at Tern Island located in Papahanaumokuakea. Tern Island facilities provided critical space for government employees and university researchers to conduct vital research and monitoring on coral, seabirds, sea turtles, and marine mammals.

Therefore, we recommend that the subcommittee allocate just a small portion, $1.8 million, of that $499 million in the present request to better manage our Nation's marine monuments. One million of that, $1.8 dollars, could reinstate Papahanaumokuakea's visitation and science capabilities at Midway Atoll and begin to minimally restore research capabilities at Tern Island. The remaining $800,000 could allow National Wildlife Refuge System to provide adequate management of the three newer monuments. Funding is needed to hire managers for Marianas and Pacific Remote Islands, hire one public planner position to aid in the management responsibilities, and pay for associated administrative costs. Additional funds could help address invasive species that are hurting our native wildlife populations and strengthen surveillance and enforcement capabilities, as well as the partnerships with NOAA and the U.S. Coast Guard.

In summary, Marine Conservation Institute respectfully requests that the subcommittee augment funding to $499 million for the National Wildlife Refuge System, with just $1.8 million of that dollars going to the marine monuments in the Pacific.

Thank you.

[The statement of Emily Douce follows:]

MARINE
CONSERVATION
INSTITUTE

Emily Douce, Conservation Projects Manager

April 9, 2013

The Honorable Michael K. Simpson, Chair
Appropriations Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives, RHOB B-308
Washington, DC 20515

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Institute, based in Seattle, WA, is a nonprofit conservation organization that uses the latest science to identify important marine ecosystems around the world, and then advocates for their protection for us and future generations. I wish to thank the members of the Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit written testimony on the FY 2014 appropriations in regards to the US Fish and Wildlife Service's (FWS) National Wildlife Refuge System (NWRS), particularly the monuments and refuges that conserve marine environments. Marine Conservation Institute is a member of the Cooperative Alliance for Refuge Enhancement (CARE), a coalition of over 20 wildlife, sporting, and conservation organizations advocating for the National Wildlife Refuge System. **Marine Conservation Institute specifically requests $6.8 million, an increase of $1.8 million, to more adequately manage and protect the marine national monuments in the Pacific in 2014.**

President George W. Bush established four marine national monuments in the Pacific Ocean: Papahānaumokuākea Marine National Monument, Marianas Trench Marine National Monument, Pacific Remote Islands Marine National Monument, and Rose Atoll Marine National Monument. Together, these monuments protect approximately 335,348 square miles of marine habitat, and constitute about one-third of the entire NWRS. The four monuments include 12 marine refuges and more than 20 islands, atolls and reefs spread across the Pacific Ocean. Each monument was designated because of its individual ecological and cultural uniqueness.

However, many years after the establishment of these monuments, Marine Conservation Institute is greatly concerned that the NWRS lacks adequate resources to effectively protect and conserve the lands and waters of all four monuments. Marine Conservation Institute believes that even in these difficult budget times, protecting these ocean treasures should be a priority.

According to the National Ocean Economics Program, the US ocean and coastal economy contributes more than $258 billion to our nation's GDP annually. Compared to other marine ecosystems, the marine monument ecosystems are relatively intact, rich in biodiversity and relatively free from the problems plaguing many other marine ecosystems: over-exploitation, disturbance, and pollution. Using these remarkably intact tropical ecosystems, US scientists are

developing an understanding of what healthy and productive places really look like, which helps us identify negative impacts to marine ecosystems closer to home and shows us the benefits of restoration activities.

Significance of our Nation's Marine National Monuments

Papahānaumokuākea Marine National Monument
Papahānaumokuākea Marine National Monument, also referred to as the Northwestern Hawaiian Islands, is the largest conservation area (139,797 square miles) under US jurisdiction. It was established to protect the exceptional diversity of natural and cultural resources. The monument is home to millions of seabirds, an incredible diversity of coral reef species, and the highly endangered Hawaiian monk seal. Approximately 90% of Hawaii's green sea turtles nest in the monument, as do about 99% of the world's population of Laysan albatross and 98% of the black-footed albatross. In 2010, the Monument was designated as a World Heritage Site by the United Nations Education, Scientific, and Cultural Organization (UNESCO), expanding recognition globally of the Monument's unique natural and cultural resources.

Pacific Remote Islands Marine National Monument
The Pacific Remote Islands Marine National Monument contains some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific Ocean. Any one of the seven coral islands within the monument contains nearly four times more shallow water, reef-building coral species than the entire Florida Keys. The monument provides habitat for an estimated 14 million seabirds and many threatened or endangered species, such as leatherback, loggerhead, and green sea turtles; humphead wrasse; bumphead parrotfish; and the globally depleted giant clam. An estimated 200 seamounts, most of which have yet to be identified or explored, are predicted to exist within 200 nautical miles of the seven islands. Seamounts are important biodiversity hotspots because they provide habitat and localized nutrients for many species, including commercially important species, in the vast pelagic waters of the Pacific.

Rose Atoll Marine National Monument
Rose Atoll Marine National Monument is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered. Rose Atoll supports 97% of the seabird population of American Samoa, including 12 federally protected migratory seabirds and 5 species of federally protected shorebirds. Rose Atoll is the largest nesting ground in the Samoan Islands for threatened green sea turtles, and is an important nesting ground for the endangered hawksbill turtle. Rose Atoll also provides sanctuary for the giant clam, whose population is severely depleted throughout the Pacific Ocean.

Marianas Trench Marine National Monument
The Marianas Trench Marine National Monument protects areas of biological, historical and scientific significance. The monument is home to many unusual life forms found in its boiling and highly acid waters, highly diverse and unique coral reef systems (more than 300 species of stony coral), and an astonishingly high population of apex predators such as sharks, an indicator

of a healthy ecosystem. The monument also encompasses the Mariana Trench, the deepest ocean area on Earth, which is deeper than Mount Everest is tall.

Marine National Monument Management

Through the FWS, the Department of the Interior is a co-trustee of Papahānaumokuākea Marine National Monument in partnership with the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), and the State of Hawaii. In the case of Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments, FWS NWRS has overall management responsibility, but works in partnership with NOAA on managing fishing in the outer waters of each monument.

Management Needs

Unfortunately many years after the establishment of these monuments, inadequate funds have left most monument management plans and fishing regulations unfinished and most islands remain essentially unmanaged and unmonitored. Without adequate funding to conserve, restore and protect our nation's marine monuments, the marine monuments continue to be vulnerable to: illegal fishing, accidental ship groundings and oil spills, and introduction of invasive species. There have been several documented cases of both illegal foreign fishing and illegal trespass by commercial and recreational vessels. Additionally, millions of dollars have already been spent to remove invasive species to protect important seabird colonies.

The NWRS received approximately $4.6 million for management of all four marine national monuments in FY 2013. This is a decrease of $1.0 million from FY 2012 levels, severely decreasing science capabilities and visitor services. Cutting visitation to Papahānaumokuākea Marine National Monument closes the public's only window into these magnificent marine places.

Of the remaining $4.6 million in FY 2013, only 20% ($0.9 million) of the NWRS monument funding provides resources for monument resource management, restoration, and research. The remaining $3.7 million helps FAA maintain the airfield at Midway Atoll (northern end of Papahānaumokuākea Marine National Monument) for emergency commercial airplane stopovers transiting the Pacific Ocean. Without Midway, those aircraft would need to alter their routes, incurring additional flight time and fuel costs. Congress has mandated the airfield remain open which has caused strain on NWRS' science capabilities and visitation opportunities at Midway Atoll.

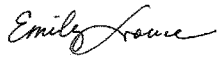
Additionally, a recent severe storm destroyed vital infrastructure at Tern Island located within Papahānaumokuākea Marine National Monument. Tern Island facilities provided critical space for government employees and university researchers to conduct vital research and monitoring efforts on corals, seabirds, sea turtles, and marine mammals. However, these critical facilities for providing food storage, safe water, equipment storage and shelter were destroyed in the recent storm. FWS estimates the cost of repairs at $5,000,000.

Appropriations Needs

Marine Conservation Institute requests that the subcommittee increase funding for NWRS operations by $1.8 million in 2014 to better manage our nation's marine monuments. An additional $1.0 million in 2014 directed towards Papahānaumokuākea Marine National Monument could help to reinstate visitation and science capabilities at Midway Atoll and begin to restore research capabilities at Tern Island.

Furthermore, an additional $0.8 million would allow FWS to provide adequate management of the three newest monuments. Funding is needed to hire managers for Marianas and Pacific Remote Islands (a Rose Atoll Manager has been funded over the last several years); hire one public planner position to aid in management responsibilities; and pay for associated administrative costs such as office space and travel. Additional funds would help address invasive species that are hurting native wildlife populations, provide surveillance and enforcement capabilities and strengthen partnerships with the National Oceanic and Atmospheric Administration and US Coast Guard.

Thank you for the opportunity to share our views.



Emily Douce

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Mr. SIMPSON. Thank you. Interesting. I never really thought about the marine monuments, and I thought we just declared them and there they were. I appreciate that testimony.

I suspect the land trusts that you talk about are similar to—because they all have different names and one is the Lemhi Valley Land Trust in the Lemhi Valley in Southern Idaho. I visited with a bunch of ranchers and others that work in this land trust that have done the same thing that I assume that you are doing and that is keeping some of the ranchers on the ground and through conservation easements and so forth, and they have done a great job because it is the spawning ground for an awful lot of salmon.

Mr. FAULSTITCH. We are not a land trust. We are just strictly concerned landowners from across the Nation, and as I mentioned we hope to have a representative from each of the 50 states at some point. We are not in the land trust business, but we do rely on programs such as the Land and Water Conservation Fund, programs such as Partners, to expand quality management on the private landscapes and do it as you were talking in the last session on a landscape basis. We feel that it can have huge effects in preventing endangered species. I live in an area where that number is growing daily, and it is a real concern from a landowner's standpoint as well as a wildlife organization standpoint as these species disappear, and I did not used to be a birdwatcher, but I have soon become one because they are a tremendous indicator of what is happening on the land.

And it is very critical and it is frustrating for us as landowners to watch the habitat destroyed, a species get listed, and then try to fix it. And it gets back to our thoughts on being proactive. I guess that is why I am here. Communication is important. We do have suggestions. We are proactive. We want to make a difference, but this business of allowing a species to even get listed in the first place is backwards. We need to avoid that up front with proper land management, a holistic approach, and it can be fixed.

Mr. SIMPSON. Or proper ocean management.

Mr. FAULSTITCH. As well. Yes. I come from grasslands. It is pretty easy for me to talk from a grassland, wetland perspective, but it does not matter whether it is the forest, the mountains, or the oceans.

Mr. KNADLE. I just want to interject, one of the programs that actually is in the President's budget that the foundation is going to be advocating for is a new program in the National Fish and Wildlife Foundation to do exactly that. It is the Landscape Conservation Stewardship Program. It is proposed for $1 million in new money, and it is exactly to use voluntary community-based incentives and capacity so that citizens, communities, and landowners are the ones promoting conservation. It is community up, not fed down, because the fed down has not worked in a lot of places.

Mr. SIMPSON. You know, it is similar to what the birds of prey areas do with the Aplomado Falcon and a few of those things. They actually go into their range lands in Texas and stuff and help ranchers protect their habitat, and actually the ranchers down there have become pretty fond of these falcons and stuff, and it is

a lot easier to do that than it is to try to recover them after you have listed them.

Mr. KNADLE. Exactly.

Mr. SIMPSON. Yes.

Mr. KNADLE. And that is exactly the goal of this new program that you are going to see in the President's budget. It is to allow communities and landowners to have a voice in conservation and to promote it on private lands but most importantly you got to keep working landscapes working.

Mr. SIMPSON. One of the things that——

Mr. KNADLE. If the working landscapes goes away, we are all done.

Mr. SIMPSON [continuing]. Has always been a challenge is endangered species is something rare, you know, there is not many of them left, so they are endangered. If you find something else rare on your property, it actually increases in the value of your property. If you find gold or oil or something like that on your property, it increases in value. The incentives behind the Endangered Species Act have always been that if you find something endangered on your land, get rid of it. Keep it quiet, you know, or whatever.

Mr. KNADLE. Shoot, shovel, and shut up.

Mr. SIMPSON. Yes. Shoot, shovel, and shut up. I did not want to say that, but, yes. And we have got to change the incentive system and which is what they are doing with some of the work they are doing with the Aplomado Falcon and some of the other birds that they work with.

So that is important. I mean, those are the kind of things that I think we ought to look at in reauthorization of the Endangered Species Act. How can we change it to make it work better for landowners to make us want to try to preserve these species and stuff? I just got to tell you my full committee Chairman is from Kentucky, so whatever you want you got.

Mr. FAULSTITCH. I would like to also suggest, you know, there are programs out there that have shown success such as the Sage Grouse Initiative.

Mr. SIMPSON. Yes.

Mr. FAULSTITCH. Very successful program but, again, single species approach and the comments, again, going back to your last session, I was wanting to run up here and go, yeah, yeah, yeah. We need to get on landscape, the total ecosystem, and that is why we refer to it as a holistic approach.

And, yes, we do still need to eat at the end of the day, and we need people out there taking care of the land.

Mr. SIMPSON. Well, I appreciate you all being here today and for your testimony, and we will give it due consideration as we try to put together a limited budget, which is going to be kind of ugly. Thank you.

WEDNESDAY, APRIL 17, 2013.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES

Mr. SIMPSON. The Committee will come to order. Good morning and welcome to the third of these three public witness hearings this morning. The subcommittee will be hearing from a cross-section of individuals representing a wide variety of issues addressed by this subcommittee. The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. Their full statements will be included in the record.

Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair requests that we keep things moving in order to stay on schedule. The chair also wants to remind those in the hearing room that committee rules prohibit the use of outside cameras and audio equipment during these hearings.

Mr. Moran, do you have anything?

Mr. MORAN. No. I am anxious to hear these witnesses, Mr. Chairman. They are good folks. They represent excellent activities, many of them in the Washington area, and I sure hope we can be responsive in a material way to their needs, but we will see. But let's hear from them.

Mr. SIMPSON. Our first witness is the Honorable Mike McIntyre, Congressman from North Carolina.

WEDNESDAY, APRIL 17, 2013.

U.S. FISH AND WILDLIFE SERVICE

WITNESS

HON. MIKE McINTYRE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. MCINTYRE. Thank you, Mr. Chairman. Thank you to you and also to Ranking Member. We appreciate both of you all being kind enough to allow me to come before you today.

I wanted to speak with you about the U.S. Fish and Wildlife Service's recently proposed rule designating a Critical Habitat for the loggerhead sea turtle. This proposed rule includes 740 miles of coastline from North Carolina to Mississippi that would be within

what is called the Critical Habitat designation, and while I have long supported protection of this endangered species and in fact had worked on a program for sea turtle protection at Oak Island, North Carolina, which is just below the Wilmington area, I am concerned with the possible impact of yet this new proposed rule that would have on local economies and beach management activities.

This proposed rule cites that both eroded coastlines and sand management programs that are put on eroded coastlines would be threats to the loggerhead habitat, so it is kind of like saying the coastline that is gone, they cannot build nests obviously if there is not a coastline, so we are concerned about the erosion, but yet the sand management plan where you do renourish the beaches, they are saying that can also create a problem for the loggerhead turtle to be able to lay its eggs. So it is kind of the typical catch–22 situation.

We know that if sand is placed on a shoreline, it can add protection for loggerhead nests and critical infrastructure, and so there is a concern about Fish and Wildlife's proposal. I can tell you, having spoken with many of the local coastal mayors and the local leaders who for years and years I have worked with on beach renourishment programs, and we live on Hurricane Alley there in North Carolina down in the Cape Fear section, and it is given that name for a good reason, we have 96 miles of shoreline in North Carolina that would have a problem with this because as the U.S. Army Corps of Engineers itself has told us, who has done these renourishment programs and who have respected the concern about the loggerhead turtles and have honored the environmental rules for the loggerhead turtles, when they have done renourishment, this rule will just not work. For them to do the sand management program they need to do, meaning the Army Corps of Engineers, to protect these communities and our shoreline coastal protection programs and to protect the local economies and to protect against the horrific storms that we have had including six hurricanes the first two terms I was in office back in the late 1990s and of course several since then, we have got to be able to have a healthy sand management program, which is our shoreline coastal protection program, and it can be done in a way that still protects the loggerhead turtles because we have a history of doing that. And I know going on 17 years that I have been in the office, we have successfully done both.

If the sand management program is taken away with this new rule that Fish and Wildlife has proposed, we are talking about greatly affecting roughly $225 billion annual in business and tax revenue that our coastline and our beach communities are able to produce. Tourism, of course, is huge, and the good thing about sand management programs is, you can do right by the environment, you can protect the fragile coastline, have shoreline protection, spend a few hundred thousand dollars on the front side for shoreline protection and save millions and millions on the back side after a hurricane or a storm, not to mention the fact that for every $1 spent on beach renourishment programs, I know of no other federal program that generates $320 in revenues. And so the investment is well worth it when we talk about sand management, and this rule goes far beyond what seems to make common sense.

As we look at the proposed rule from Fish and Wildlife, while well meaning, may have unintended negative effects on coastal communities, local economies and storm protection programs on our coastline.

I greatly appreciate the committee hearing my comments. I will just say that and remind the committee that in each of the sand management and shoreline coastal protection programs that we have done year after year and worked with the Corps of Engineers, which has a concern about this proposed rule, as I said, they have a thorough environmental review process that they have to go through before these programs can ever be implemented to begin with, so there is already an environmental protection in place right now, the renourishment going on at Carolina and Kure Beaches just below Wilmington, North Carolina, because of some bad weather we have had recently. They needed 30 more days to finish the renourishment program. They worked very specifically to make sure that they were protecting the loggerhead turtles and they did it in a way that they would not be harmful to that situation yet complete the renourishment project, which is essential not only to the local economy but also for storm protection.

So I appreciate the committee looking carefully at this proposed rule from Fish and Wildlife that, while well meaning, may very well have unintended negative consequences that can be very harmful not only in these protection programs but also tremendously harmful in terms of the local economies of these communities. We can do both. We can protect loggerhead turtles, which we have done through these years, and have a reasonable and well-managed sand management program that protects our shorelines.

Thank you very much for your time today.

[The statement of Mike McIntyre follows:]

April 17, 2013

The Honorable Michael K. Simpson
Chairman
Subcommittee on Interior, Environment
And Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515-6016

The Honorable Jim Moran
Ranking Member
Subcommittee on Interior, Environment
And Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515-6016

Testimony by Congressman Mike McIntyre
Subcommittee on Interior, Environment and Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515-6016

--As Prepared for Delivery--

Thank you Chairman Simpson and Ranking Member Moran for allowing me to join this hearing today to discuss the U.S. Fish & Wildlife Service's recently proposed rule designating a Critical Habitat for the Loggerhead Sea Turtle.

The proposed rule includes 740 miles of coastline from North Carolina to Mississippi within the Critical Habitat Designation. While I have long supported the protection of this endangered species, I am concerned with the possible impact the proposed rule will have on local economies and beach management activities.

The proposed rule cites both eroded coastlines and beach sand placement on eroded coastlines as primary threats to Loggerhead habitat. It is easy to understand that without a shoreline the Loggerhead turtle will be unable to create a safe nest in which to lay its eggs. In the same way, an eroded coastline leaves roads, bridges and homes without significant protection from storm surge caused by hurricanes and other powerful storms. However, if sand is placed on a shoreline that can add protections for Loggerhead nests and critical infrastructure, Fish and Wildlife states that this activity is also threatening to the Loggerhead turtle. I am concerned about what this may mean for efforts to renourish critically eroded beaches within the designated areas, including 96 miles of shoreline in North Carolina; and the proposed rule does little to address the issue.

As you know, in addition to the protection of life and property during severe weather, there are numerous recreational and economic benefits to wide, healthy beaches. Our nation's beaches

provide roughly $225 billion annually in business and tax revenue. The loss of coastal tourism can have a devastating impact on both the local communities and the national economy. I firmly believe that management tools to accomplish Loggerhead protections are best applied when all resources are balanced in the decision making process, including environmental, recreational, and economic effects.

The proposed rule also raises questions as to why the Fish & Wildlife Service felt that a new Critical Habitat Designation was necessary given that many state and local governments have management plans in place to preserve the turtle and its nesting habitat. It is important to note that every Army Corps of Engineers beach nourishment project has undergone a thorough environmental review process prior to approval that includes significant coordination with the local management plan. While the Fish & Wildlife Service did acknowledge these plans in its proposed rule, it is unclear what additional actions, if any, other federal agencies, state, and local governments will be required to take to further increase protective measures for Loggerhead sea turtles.

I am concerned that the proposed rule from the Fish & Wildlife service, while well-meaning, may have unintended negative effects on our coastal communities, local economies and beach renorishment efforts.

I appreciate the opportunity to address these concerns to the subcommittee and look forward to working with the members of the committee to pursue solutions that are best for our environment, our coast and our economy.

Thank you for your time.

Mr. SIMPSON. Thank you for bringing this to our attention. I have to admit, I have to learn more about beach renourishment and sand management. We do not have a lot of those in Idaho.

Mr. MCINTYRE. Right.

Mr. SIMPSON. But I appreciate your testimony and we will take a look at it when we are marking up our bill.

Mr. MCINTYRE. Thank you. Thank you both. God bless you for your work.

Mr. MORAN. Are you looking for report language, Mike?

Mr. MCINTYRE. Yes, sir. Thank you.

Mr. SIMPSON. Our next panel is Dr. Steven Knapp, Michael Witmore, Ann Thompson, Robin Bronk and Sheila Smith. Come forward. Dr. Knapp, you are first.

WEDNESDAY, APRIL 17, 2013.

GEORGE WASHINGTON UNIVERSITY

WITNESS

STEVEN KNAPP

Mr. KNAPP. Chairman Simpson, Ranking Member Moran, on behalf of the National Endowment for the Humanities and the George Washington University, I wish to thank you for the privilege of addressing this distinguished panel.

From the dawn of our nation to the present, the humanities have shaped our common identity, framed the momentous debates of the day, and informed our decisions about the future. We revere the brilliance of Thomas Jefferson's Declaration of Independence. We return again and again to the compelling logic of the Federalist Papers written by Hamilton, Madison, and Jay. But those authors and those documents could have emerged only from a citizenry steeped in the study of philosophy, history, and literature: in short, the humanities.

Consider the idea that most defines us as a Nation and a people: the idea of liberty. That concept did not arise spontaneously from colonial pamphlets and newspapers. It was drawn from the wellspring of the humanities: the philosophy of Aristotle and Locke, the history of Tacitus, the literature of Shakespeare, the voices of the biblical prophets, and even the poetry of Virgil. If we as a Nation forget that heritage, we will sooner or later lose our ability to understand not just the origins but the very meaning of the principles on which the Nation was founded. And no single institution or agency plays a greater role in preserving that heritage than the National Endowment for the Humanities.

Allow me to cite just two examples from the George Washington University. For the past 12 years, the NEH has provided indispensable support, in partnership with many private donors, for the Eleanor Roosevelt Project. That support has enabled our scholars, with the help of some 130 students, to comb through millions of pages of records stored in archives across all 50 states, to select the most historically significant of those documents, and to make that material available to the public both in printed volumes and in digital form. Through the teaching aids the Project has created, ap-

proximately 6,000 teachers, 500 civil society leaders, 100 policymakers, and countless citizens have been able to study the contributions of our Nation's longest-serving First Lady. I want to thank Congressman Moran for his longstanding support of this project.

We have also received NEH funding for the First Federal Congress Project.

Mr. MORAN. As an aside, Mr. Knapp, that was an earmark initially, just a plug to get those back.

Mr. KNAPP. I do not know what those are, Congressman.

Mr. MORAN. They were well worthwhile. Go ahead. I am sorry for the interruption. I just wanted to score a point there.

Mr. KNAPP. Yes, sir. We have also received NEH funding for the Congress Project. So far, this project has published 17 of projected 22-volume documentary history of what was arguably our most important and productive Congress. The Project also assists with teacher training and serves as a source of information for all three branches of the federal government as well as scholars, teachers, jurists and students across the Nation.

Without support from the NEH, universities like ours would not have the resources they need to sustain their role in enabling our citizens to understand our Nation's history, to cherish its core values, or to strive together to realize our shared aspirations.

In addition to their role in preserving our national identity by keeping alive the history and the values we share, the humanities yield more immediately practical benefits. They are, to begin with, essential to national security, and there is little doubt that the Nation's security would be strengthened if our citizens and their leaders were better informed about the languages and beliefs of our allies as well as our adversaries. The 9/11 Commission Report, for example, points out that many Americans had no knowledge whatsoever of the history, culture and body of beliefs from which Bin Laden shaped and spread his message. At the same time, business leaders are far more likely to succeed in understanding and exploiting global opportunities if they are better informed about other cultures.

Those practical benefits are not to be minimized, but the real utility of the humanities is better perceived in cases where practical considerations are intertwined with questions of value. As recent debates have shown, the simple act of classifying a prescription drug in one category or another not only has far-reaching market implications but can raise moral questions that cannot be answered by scientific investigation alone. As we meet this morning, genomic research is racing ahead, and science is making it possible to collect and disseminate more and more information about every one of us. Here again, ethical questions about when and how such information should be collected and used are beyond the scope of science per se.

Questions of fairness, of privacy, of the definition of humanity, none of these can be answered without the kind of reflection that the study of the humanities, including the study of philosophy, religion and history, makes possible.

Mr. Chairman and members of the subcommittee, I submit that the humanities are essential to the identity of this Nation, to the

defense of this Nation; and to this Nation's ability to chart its future through reasoned debate in the light of its deepest values. The NEH has played a vital role in helping to ensure that the humanities continue to serve our democracy in all these ways. Yet, at a time when the need for what the humanities provide has never been more urgent, funding for the NEH has been reduced for each of the last 3 fiscal years. I urge the committee to reverse this trend, and I respectfully request that Congress consider funding the NEH at a level of $154 million for the next fiscal year. Thank you.

[The statement of Steven Knapp follows:]

Prepared Testimony of Steven Knapp
President of the George Washington University
Before the U.S. House Appropriations Subcommittee
On the Interior, Environment and Related Agencies
April 17, 2013

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee: on behalf of The National Endowment for the Humanities (NEH) and the George Washington University, I wish to thank you for the privilege of addressing this distinguished panel.

From the dawn of our nation to the present, the humanities have shaped our common identity, framed the momentous debates of the day, and informed our decisions about the future.

We revere the brilliance of Thomas Jefferson's *Declaration of Independence*. We return again and again to the compelling logic of *The Federalist Papers* written by Hamilton, Madison, and Jay. But those authors and those documents could have emerged only from a citizenry steeped in the study of philosophy, history, and literature: in short, the humanities.

Consider the idea that most defines us as a nation and a people: the idea of liberty. That concept did not arise spontaneously from colonial pamphlets and newspapers. It was drawn from the wellspring of the humanities: the philosophy of Aristotle and Locke, the history of Tacitus, the literature of Shakespeare, the voices of the biblical prophets, and even the poetry of Vergil. If we as a nation forget that heritage, we will sooner or later lose our ability to understand not just the origins but the very meaning of the principles on which the nation was founded. And no single institution or agency plays a greater role in preserving that heritage than the National Endowment for the Humanities.

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records stored in archives across all 50 states, to select the most historically significant of those documents, and to make that material available to the public both in printed volumes and in digital form. Through the teaching aids the Project has created, approximately 6,000 teachers, 500 civil society leaders, 100 policymakers, and countless citizens have been able to study the contributions of our nation's longest-serving First Lady. I want to thank Congressman Moran for his longstanding support of this project.

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implications but can raise moral questions that cannot be answered by scientific investigation alone. As we meet this morning, genomic research is racing ahead, and science is making it possible to collect and disseminate more and more information about every one of us. Here again, ethical questions about when and how such information should be collected and used are beyond the scope of science per se. Questions of fairness, of privacy, of the definition of humanity – none of these can be answered without the kind of reflection that the study of the humanities, including the study of philosophy, religion, and history, makes possible.

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Thank you.

Mr. SIMPSON. Thank you. Michael.

WEDNESDAY, APRIL 17, 2013.

FOLGER SHAKESPEARE LIBRARY

WITNESS

MICHAEL WITMORE

Mr. WITMORE. Chairman Simpson and Ranking Member Moran, good morning. I am honored to be here, and I am honored to follow my colleague, Dr. Knapp, also an English professor.

I am Michael Witmore. I am the Director of the Folger Shakespeare Library. It is the largest single documentary record of the most widely read author in the world. I am here to testify on behalf of the National Humanities Alliance and the library in strong support of the Administration's fiscal year 2014 request for the National Endowment of the Humanities. I will refer you to my written testimony for specific details about our request and the ways in which this funding will help us achieve critical national goals.

This morning I would like to talk with you about my own experiences and what they have taught me about the value of the humanities. Early in my career, I had the privilege of teaching at a university renowned for its engineer and computer science programs. As a young assistant professor of English, I spent nearly a decade teaching Shakespeare plays to students who would eventually go on to careers at Google and Intel. Many of these students had mastered linear algebra by the time they were freshmen but they still found Shakespeare difficult. I remember, for example, trying to explain why Shakespeare chooses to have Macbeth express his guilt by saying that his bloody hands will incarnadine the sea. If you Google the word "incarnadine" on your smartphone, you will get roughly the same word Shakespeare would have found had there been dictionaries in 1606. The word "incarnadine" refers to the color of flesh. It is an adjective like "pink", "red" or "green." But when Shakespeare uses the word, he uses it as a verb. Macbeth is going to incarnadine or make red the sea, his guilt seeping into everything around him. It is the shock of this word, its rarity and its odd usage that makes "incarnadine" a good choice.

But just how good is it? Inspired, brilliant, pretty darn good? When asked this sort of questions, my students would say if it I cannot be expressed as an equation, it is an opinion, and this may be true, but it is also true that a lot of what makes us tick cannot be expressed as an equation. And when I think about the value of the humanities to our world today, I think about what writers like Shakespeare have done to shape the language we speak and the thoughts that we think in our country. Lincoln, for example, was a passionate reader of Shakespeare. He could recite soliloquies from Richard III by heart, and this reading taught him how to be a powerful leader.

What would happen if you subtracted Shakespeare from our world, from our schools and from our culture? Without this one writer, America would not have produced a Lincoln, a Frederick

Douglass or an Emily Dickinson. All of them were steeped in the words and the thoughts of this writer.

We have immense technical skills in our society. There are equations that can guide Google to the correct pre-Shakespearean adjectival definition of "incarnadine" in less time than it will take me to finish this sentence. But it takes imagination to want to Google this rare word, and it takes for the humanities to know that using Google as a verb tells us something profound about the way network information has changed our society.

Having worked with computers to analyze the plays of Shakespeare, I know something about the power of statistics and data and so have learned to see the world of English literature from the point of view of the engineers I once taught. Today, the NEH is supporting just this kind of work and it is work that brings scientists and humanists together in ways that we could not have imagined even a decade ago.

Those of us who work in the humanities are straddling a moment in which traditional forms of reading and reflection are complicated by the techniques of data analysis created by engineers and mathematicians. If our economic prosperity as a country depends on our ability to compete in the STEM fields of science, technology and mathematics, our capacity for creativity, innovation and leadership will similarly depend on our strength in the humanities. We will always need people who use words well and who know what they mean just as we need people who understand the technologies that make the world go round.

Perhaps we are living in what Shakespeare called a brave new world, one filled with new challenges, opportunities and ideas. Brave as it is, that world is ours and it is one in which the humanities must play a major role for advancing us along this future path for what I hope is your full funding of the NEH. I thank you.

[The statement of Michael Witmore follows:]

Public Witness Testimony
Submitted to the Interior, Environment & Related Agencies Subcommittee
Committee on Appropriations, U.S. House of Representatives
Regarding FY 2014 Funding for the National Endowment for the Humanities
Michael Witmore–Director, Folger Shakespeare Library (April 10, 2014)

Mr. Chairman and Members of the Subcommittee:

On behalf of the the National Humanities Alliance with its 104 member organizations and the Folger Shakespeare Library, I write to express strong support for the National Endowment for the Humanities (NEH).

Overview

For FY 2014, we respectfully urge the Subcommittee to fund the National Endowment for the Humanities at the administration's requested level of $154.3 million.

The National Endowment for the Humanities has endured significant cuts in recent years. From FY 2010 through FY 2013, NEH has been cut by more than 16 percent, from $167.5 million to less than $140 million. These decreases have come on top of a long history of cuts have eroded the agency's capacity to meet the demand for its support. In constant dollars, NEH's current funding stands at just 51 percent of its level of funding at the end of the Reagan administration. Modestly increasing NEH's budget to $154.3 million would allow the Endowment to build its capacity to support the humanities at a time when the humanities are increasingly called upon to meet national needs.

While we recognize the seriousness of the fiscal situation faced by Congress and the Administration, and we understand the difficult choices that are before this Subcommittee, we believe that the capacity of NEH must be expanded. In the remainder of this testimony I will articulate the reasons for this expansion by first describing the ways in which the humanities have been called upon to help accomplish four critical national goals **and then by describing the central role of the National Endowment for the Humanities in achieving these goals.**

Importanee of the Humanities to National Needs

The humanities are increasingly called upon to play critical roles in our efforts to achieve four national goals: opportunity for all Americans, innovation and economic development, productive global engagement, and strong communities.

Opportunity for All Americans
Individual mobility is severely limited by deficiencies in a number of critical skills that are fostered by the humanities. In a series of recent studies conducted by the American Association of Colleges and Universities, employers ranked reading and writing as top inadequacies in new hires. More than a third of employers found high school graduates "deficient" in reading comprehension, and "written communications" tops the list of applied skills found lacking in high school and college graduates. These deficiencies limit the economic mobility of individuals and also carry an economic burden for society as annual spending on remedial writing courses is estimated at more than $3.1 billion for large corporations and $221 million for state employers.

The Common Core standards that have been adopted in forty five states call for the humanities to play a central role in correcting these inadequacies by fostering essential skills and habits including reading, writing, critical thinking, and effective communication across primary and secondary school curricula.

Innovation and Economic Growth
At the same time, employers increasingly seek employees who can combine the cultural knowledge and analytical ability fostered by humanities programs with technical knowledge and scientific research fostered by STEM education to create innovation and economic growth. In an effort to serve this demand, **a commission** on the future of engineering education has recommended increased interdisciplinary education—including the humanities—in order to train engineers with the broad perspective necessary for 21st century innovation. Similarly, a substantial number of medical schools have integrated humanities coursework into their programs to enhance the cultural knowledge and observational abilities of their graduates with the goal of providing higher quality, more efficient care. Recognizing the role that the humanities play in fostering innovation, countries such as China and India have begun to integrate the humanities into their own education systems.

Productive Global Engagement
As they deal with increasingly complex international relationships, both business and military leaders look to the humanities to provide critical knowledge about communities throughout the world. These leaders argue that our ability to engage productively with the world depends on the deep knowledge of the languages, cultures, and histories of rapidly changing areas of the world, which the humanities cultivate and maintain. Historians, linguists, anthropologists, archaeologists, and literature scholars among others spend years learning about communities and their deep roots, thereby gaining expertise that may inform those who seek to work in these geographic areas. As the former Ambassador to Afghanistan, Karl Eikenberry, recently said in his address to the National Humanities Alliance Annual Meeting, when we fail to cultivate this knowledge there can be grave costs (will get quote from video).

Strong Communities
Finally, with the decline in critical, community-based social institutions, communities throughout our own country are trying to foster a sense of shared identity and responsibility. In doing so, they rely on the humanities to preserve and explore their history and traditions in order to promote the understanding of common ideals, enduring civic values, and shared cultural heritage. To strengthen communities, humanities councils, museums, libraries, and universities produce vital programs that promote understanding among diverse communities through the cultivation and exchange of knowledge about cultural heritage and history.

The Central Role of NEH

The National Endowment for the Humanities is organized into Federal/State Partnerships, the division that supports humanities councils that provide engaging programs in every state and territory; Competitive Grants, which awards peer-reviewed grants in Research, Education, Preservation, Digital Humanities, Challenge Grants, and Public Programs divisions; and Special Initiatives, which awards funds through its Bridging Cultures initiative to projects that promote

understanding among diverse communities. In this testimony, I will focus on the NEH Competitive Grants in order to illustrate the central role that NEH funding plays in supporting critical humanities work.

Each year, NEH awards hundreds of competitive, peer-reviewed grants to individual scholars and a broad range of nonprofit educational organizations around the country. Grantees include universities, two- and four-year colleges, humanities centers, research institutes, museums, historical societies, libraries, archives, scholarly associations, K-12 schools, local education agencies, public television/film/radio producers, and more. Through its competitive grants programs, NEH supports the preservation of collections that would be otherwise lost, path-breaking research that brings critical knowledge to light, programs for teachers that enrich instruction in schools, and public programs that reach individuals and communities in every district in the country. There is a high likelihood that someone from your district has benefited from this funding. To make this concrete, I'll provide two illustrative examples in the following paragraphs.

Salafi Networks in Southeast Asia
In one case, a team from the Center for the Study of Religion and Conflict at Arizona State University received a grant from NEH to study varieties of Salafism. In the words of the team's lead researcher, who brings more than 30 years of experience studying religion in Southeast Asia to the project, "[s]alafism is the driving force behind movements ranging from al Quaeda to quietist groups living pious lives in self-imposed isolation.... Because these diverse groups share religious teaching and symbols, scholars, policymakers, and intelligence analysts often have difficulty distinguishing between violent and nonviolent Salafis." Clearly this distinction is critical for maintaining both our national security and productive diplomatic relations, and this grant provides the knowledge . A book and a series of policy white papers will result from this particular grant that will make the knowledge gained from the team's research widely available to other scholars, policy makers, and others.

Folger Shakespeare Library: Summer Institute
At the NEH Summer Institute hosted by the Folger Shakespeare Library, teachers attend intensive seminars with distinguished Shakespeare scholars and work with our unique resources and collections. The experience enhances teachers' ability to integrate research into their teaching allowing them to create the kind of stimulating project-based learning opportunities that transform students into lifelong learners. NEH grants for teaching institutes, such as the one at the Folger Library, promote the deep knowledge of humanities subject matter that is critical to ensuring that initiatives such as the Common Core standards succeed in improving academic attainment for all Americans. Through these transformative workshops, teachers become excited about the subjects they teach and then communicate their enthusiasm to students, making the classrooms exhilarating places to learn.

Given the important role of projects such as these, we are especially concerned about the decline in funding for the NEH competitive grants that support them. In the past, NEH's rigorous evaluation process has determined that a greater number of projects than the agency is currently able to fund were worthy of support. As a result of recent cuts, NEH is now able to make fewer grants for fellowships and collaborative research; digital humanities projects; professional development for teachers and faculty; preservation of historically-significant collections; public

film, radio, television, and digital media projects; and challenge grants to build institutional capacity and leverage non-federal support.

Although modest, the increased support proposed by the President would have a significant impact. For example, at the proposed FY 2014 level, the NEH Research Division could make 48 more awards than in FY 2013. This means that an additional 44 individual scholars could receive fellowships, and four more collaborative research projects could receive continuing support. This kind of support is vital for humanities faculty. It enables recipients to devote themselves to intensive, systematic research—the kind of research needed to produce new understandings of American and world history and literature. NEH's continuing support can enable a long-term project to continue, leveraging additional institutional support, and providing unique research opportunities for participating graduate and undergraduate students. Similarly, the NEH Education Research Division could enable 530 additional teachers to revitalize their knowledge of the humanities through participation in summer workshops; approximately 66,000 high school students would benefit from this valuable professional development for teachers.

Conclusion

This Subcommittee stands as steward of many of our nation's greatest shared natural and cultural resources. We recognize that Congress faces difficult choices in this and coming years. Nevertheless, we ask the Subcommittee to consider modestly increased funding for the humanities through NEH as an investment in the nation's long-term economic recovery and competitiveness, the strength and vitality of our civic institutions, the preservation and understanding of our diverse cultural heritage, and the lives of our citizens. Thank you for consideration of our request and for your past and continued support for the humanities.

The National Humanities Alliance was founded in 1981 to advance public support for the humanities. With 104 organizational members, the Alliance encompasses a broad range of humanities-related disciplines and institutions, and is the only organization that represents the humanities community as a whole. Its members, and the thousands of teachers, scholars, humanities organizations and institutions they represent, use NEH grants to maintain a strong system of academic research, education and public programs in the humanities.

Mr. SIMPSON. Thank you. Ann.

Mr. MORAN. Boy, that is good stuff, is it not, Mr. Chairman? And that was such creative writing. That has never been written before. It really made you think. Both statements were just terrific.

Tom Cole has joined us. This is an aside, a digression, I know. The chairman sometimes would come off to people who do not know him as kind of a gruff logger-type guy but actually he is a pretty sophisticated intellectual. He is extremely well read. And Mr. Cole, who joined us, is one of the most well-read readers of history and he is a professor in his own right that I have ever met. I mean, I just do not want you to think that putting that kind of effort into a statement is lost on this committee. That was just very well spoken. It was thoughtfully presented, very well written on behalf of both of you, and I know it will apply to the subsequent witnesses. But do not think we are just sitting here not taking it in. That is good stuff.

Mr. SIMPSON. How do you follow that, Ann.

Mr. COLE. It will show up in a Moran quote.

Mr. MORAN. It will. I hope it will, and I will take all the credit for it myself.

Mr. SIMPSON. I can tell after his complimentary statements to me and Mr. Cole that you are going to want something.

Mr. MORAN. We are going to want full funding for the NEH. That is what we are going to want. Excuse me for the interruption.

Mr. SIMPSON. Ann.

WEDNESDAY, APRIL 17, 2013.

OKLAHOMA HUMANITIES COUNCIL

WITNESS

ANN THOMPSON

Ms. THOMPSON. Mr. Chairman, and members of the subcommittee, I appreciate the opportunity to present testimony on behalf of the State Humanities Councils, the state affiliates of the National Endowment for the Humanities. I am Ann Thompson, Executive Director of the Oklahoma Humanities Council and member of the board of the Federation of State Humanities Councils. I am here to request $154 million for the National Endowment for the Humanities and $44 million for the State Humanities Councils.

As full partners of the NEH, councils receive their core funding through the federal-state partnership and use that funding to leverage additional funds from foundations, corporations, private individuals and state governments. In 2012, every federal dollar the councils awarded through grants to local institutions leveraged, on average, $4 in local contributions.

Since fiscal year 2010, NEH funding for the state councils has been cut by nearly 19 percent, a loss of about $8.5 million or an average of $150,000 per council. The consequences have been devastating for the councils and the communities that they serve. In my own State of Oklahoma, we have been forced to cut our grants funding by 27 percent, seriously reducing our support for organizations in our state. We have also had to cut our council-led pro-

grams by 38 percent. This severely limits our ability to offer programs like our reading and discussion series that serve so many of our smaller communities. Because of drastic cuts in state funding for social services, many of our fellow nonprofits in our state are now our direct competitors for private dollars. Despite our intensified efforts, obtaining private funds to replace lost federal funds continues to be a challenge.

This story is told in some form by nearly every state council. A recent survey by the Federation of State Humanities Councils shows that the councils have had to cut both the number of grants awarded and the dollar amount per grant. For example, the Virginia Foundation for the Humanities had to slash their grants to community organizations from $300,000 in fiscal year 2009 to $110,000 in fiscal year 2012, a 63 percent decrease.

Even under these severe funding constraints, however, the reach and impact of council programs is impressive and crucial. The Federation's survey also revealed that in 2012, councils served nearly 6,000 communities, many of them many miles from any urban center. To stretch resources and strengthen the cultural and educational networks in these communities, councils worked with more than 10,000 partners, ranging from libraries and museums to social service agencies, chambers of commerce, medical institutions, religious groups, community colleges, and many others. In Oklahoma, as in other largely rural states, our programs often provide the only opportunity available for citizens to come together in their communities to discuss great books and current affairs, to learn of their neighbors' ethnic or religious beliefs, or to be inspired by the history of the human experience. The Museum on Main Street program, offered through a partnership that state councils enjoy with the Smithsonian Institution, provides an outstanding example of the benefits councils provide to small towns. With the Smithsonian touring exhibit as a focal point, community organizations collaborate to create supplemental programming that builds community pride and increases economic activity. Last year in Waynoka, Oklahoma, population 993, the local historical society museum that hosted the exhibit realized a 100 percent increase in attendance during the 6-week tour as well as a 200 percent increase in gift store purchases and a 400 percent increase in donations.

Council programs change lives for hundreds of thousands of citizens in their states. Immigrants improve their English and their employability through humanities council reading programs. Children increase their chances of success in school through family literacy programs. Teachers decide to stay in their profession after attending council-supported summer institutes. Immigrant youths portray their world through documentary films funded by the councils. Veterans work their way back from confusion and even despair to re-find their place in the civilian world after participating in council writing programs. Low-income adults decide to enroll in college after completing college-level humanities courses offered by the councils. Residents of rural communities reap the benefits of lifelong learning by taking part in council programs, often the only cultural opportunities in their area.

The $44 million we are asking you to provide to councils is dollar for dollar one of the best investments you could make. It will en-

able councils to help build a richer civic life and a more civil, thoughtful, enlightened and active citizenry. Thank you.

[The statement of Ann Thompson follows:]

Testimony on behalf of the Federation of State Humanities Councils
Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Ann Thompson, Executive Director, Oklahoma Humanities Council, and board member, Federation of State Humanities Councils; Addressing the National Endowment for the Humanities, April 16, 2013.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to present testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities. I am the Executive Director of the Oklahoma Humanities Council. I am here to request **$154.255 million** for the National Endowment for the Humanities and **$44 million** for the state humanities councils, including Federal/State Partnership and special initiative funding in the NEH budget for FY 2014.

As full partners of the NEH, councils receive their core funding through the Federal/State Partnership line of the NEH budget and use that funding to leverage additional funds from foundations, corporations, private individuals, and state governments. In 2012, every federal dollar the councils awarded through grants to local institutions leveraged, on average, $4.00 in local contributions. Councils further extended their resources by forming programming partnerships with more than 10,000 organizations throughout their states.

Since FY 2010, NEH funding for the state councils has been cut by nearly 19 percent, a loss of about $8.5 million or an average of $150,000 per council. The consequences have been devastating for the councils and the communities they serve. In my own state of Oklahoma, we have been forced to cut our grants funding by 27 percent, seriously reducing our support for organizations in our state. We have also had to cut our council-led programs by 38 percent. This severely limits our ability to offer programs like our reading and discussion series that serve so many of our smaller communities. Because of drastic cuts in state funding for social services, many of our fellow nonprofits are now our direct competitors for private dollars. Despite our intensified efforts, obtaining private funds to replace lost federal funds continues to be a challenge.

This is occurring at a time when requests for council funding have increased dramatically because of both demand for the programs and the loss of other funding sources. Further, the reductions have led to fewer dollars leveraged and therefore even less funding for local organizations and communities. This story is told in some form by nearly every state council. A recent survey by the Federation of State Humanities Councils shows that most councils have had to cut both the number of grants awarded and the dollar amount per grant. For example, the Virginia Foundation for the Humanities had to slash their grants to community organizations from $300,000 in FY 2009 to $110,000 in FY 2012, a 63 percent decrease. In Virginia as elsewhere, the hardest hit are the smallest, most rural communities, as well as the most vulnerable populations. In Maine, the New Books New Readers program, which provides a lifeline for adults learning to read, has seen a reduction in the program's budget from nearly $118,000 in 2010-11 to less than $33,000 in 2012-13, a decrease of 72 percent.

Even under these severe funding constraints, however, the reach and impact of council programs is impressive and crucial. The Federation's survey revealed that in 2012 councils served nearly

6,000 communities, many of them many miles from any urban center. To stretch resources and strengthen the cultural and educational networks in these communities, councils worked with more than 10,000 partners, ranging from libraries and museums to social service agencies, chambers of commerce, medical institutions, religious groups, community colleges, and many others. In Oklahoma, as in other largely rural states, our programs often provide the only opportunity available for citizens to come together in their communities to discuss great books and current affairs, to learn of their neighbors' ethnic or religious beliefs, or to be inspired by the history of the human experience. The Museum on Main Street program, offered through a partnership state councils enjoy with the Smithsonian Institution, provides an outstanding example of the benefits councils provide to small towns. With the Smithsonian touring exhibit as a focal point, community organizations collaborate to create supplemental programming that builds community pride and increases economic activity. Last year in Waynoka, Oklahoma, for example, the local historical society museum that hosted the exhibit realized a 100 percent increase in attendance during the six-week tour, as well as a 200 percent increase in gift store purchases and a 400 percent increase in donations.

Council programs change lives for hundreds of thousands of citizens in their states—immigrants improve their English and their employability through humanities council reading programs; children increase their chances of success in school through family literacy programs; teachers decide to stay in their profession after attending council-supported summer institutes; immigrant youths portray their world through documentary films funded by the councils; veterans work their way back from confusion and even despair to re-find their place in the civilian world after participating in council writing programs; low income adults decide to enroll in college after completing college-level humanities courses offered by the councils; residents of rural communities reap the benefits of lifelong learning by taking part in council programs that are often the only cultural opportunities in their area.

The benefits of council programs begin with the youngest children. Over the past two decades, a growing number of humanities councils have linked early childhood education to family literacy, offering programs for low income families in particular to come together with scholars and storytellers to read and discuss high quality children's literature. In many cases, the parents in these families are improving their own reading skills and ultimately their employment prospects as they read with their children. They use the stories to talk about values and ethical issues. The families add the books to their home libraries, and over time reading becomes a habit, along with the willingness to discuss issues that arise from the reading. Humanities Washington, which has supported family literacy programs since 1996, cites a 2004 report that states that every dollar invested in quality early care and education saves taxpayers up to $13,000 in future costs by increasing children's chances of academic and economic success.

Over the past few years more and more councils have supported family reading programs among the immigrant groups that have found a home in their states. Councils in Florida, Nebraska, and others offer English and Spanish-language series, and the Minnesota council has produced two children's books addressing the experience of Asian Pacific Islanders in Minnesota. The Colorado council, through a family literacy program called Motheread, offers books in four different languages spoken in Colorado--English, Hmong, Somali and Spanish. These programs not only give children a tremendous boost in school readiness but also help to integrate

immigrant populations into their chosen communities. As integration proceeds, both immigrants and long-term residents increase their understanding of each other. Thus, a comparatively small federal investment in the humanities blossoms into a multitude of benefits.

Humanities councils also build understanding between immigrants and long-time residents by helping immigrants tell their stories. In 2011 and 2012, Cal Humanities (formerly the California Council for the Humanities) provided support for many of the state's immigrant groups to record their stories as part of the council's "Searching for Democracy" initiative. Council grants have funded such projects as "Growing a Community: Pioneers of the Japanese American Floral Industry," "Little Kabul: Afghan American Stories," "Stockton Cambodian Oral History Project," and "Iranian Americans in Silicon Valley: Evolution of a Community."

Immigrants are just one of many groups that councils work with in their states. A number of councils offer programs that engage children, teens, and young adults. The New York Council for the Humanities, through their "Together: Book Talk for Kids and Parents" program, offers parents and their 9-11-year-old children a rare opportunity to talk about books and ideas in a library setting. One child in the program said, "I had already read some of the books but when we came to Together, it was like discussing a whole new book. I went in with one idea and came out thinking about something completely different." The council also sponsors a Spanish language version of the program, "Unidos," facilitated in English and Spanish by a librarian and a humanities scholar. The Pennsylvania Humanities Council supports Teen Reading Lounge, a hands-on arts and literature program for teens that the council believes is "a first step in building a community of well-informed, highly engaged adults with the literacy, civic and social skills needed for work and life in the 21st century."

Humanities councils typically offer the only high-quality, cost-effective professional development opportunities for K-12 teachers in their states. The Idaho Humanities Council provides a variety of resources for K-12 teachers, including summer workshops, teacher incentive grants for enhancing humanities curriculum, outstanding teacher awards, and a variety of online resources. This summer the council will offer four two-day regional workshops for teachers on Idaho territorial history. Unfortunately, councils have had to turn away hundreds of worthy applications each year for lack of funds. The Florida council reports that last year they received applications from twice as many teachers as they could accept. The number of teachers the New Jersey council could accommodate in their summer institutes dropped from 150 in 2010 to 50 in 2011 and 2012, a 66 percent drop.

Providing programs for returning veterans is an emerging area of concern for councils. Many veterans struggle with issues of reintegration and understanding when they return from high stress combat situations. Recognizing this, the Missouri Humanities Council created the Missouri Warrior Writers Program, developed in collaboration with the Missouri Writers' Guild, the Veterans Affairs office, and the U.S. Army in Missouri. The program consists of writing workshops in which veterans share their experiences and perspectives through poetry, journaling, fiction, and nonfiction. This year the council published a collection of these writings, which they sell to support further programming. The Maine Humanities Council addresses veterans' caregivers, tailoring its highly respected Literature and Medicine program – now offered by 26 councils across the nation – to issues that medical personnel confront in veterans' hospitals and

other facilities. Cal Humanities has created a special initiative, to be launched in 2014, highlighting the role of veterans in our society and posing the question, What obligations do we have to those who serve in the name of our national defense and are willing to give what Lincoln so eloquently described as "the last full measure of devotion"?

Above all, councils help to build and support communities. Council programs help citizens come together to think and talk about the issues of greatest importance to them. They provide resources that allow citizens to put their own concerns into a larger perspective, understand the history of their community and state, and shape a more promising future. A recent program supported by Humanities Washington, entitled "Recognition" and held at the Washington State University-Vancouver, involved students, Native Americans, and members of the general public in discussion of issues related to tribal recognition. Over the past few years the Georgia Humanities Council, through its "From Civil War to Civil Rights" initiative, has led the state's citizens through a consideration of questions related to race, rights, responsibilities, and what it means to be an American. In Warren, Ohio, the council brought together three diverse entities—the public library, the local newspaper, and a community development organization— to establish the town as a permanent residence for the Ohio Chautauqua summer program, bringing the community together and helping citizens understand the role played by key figures in their state's history.

Council programs not only offer many educational and cultural benefits but also bolster the economies of the communities they serve. The humanities improve the quality of life in communities, which in turn draws new residents and businesses. The Indiana council reports that a council-sponsored Community Conversation program in one community led to the merger of competing downtown groups and a more focused, energized effort to revitalize the city. This in turn prompted new streetscape projects, development of a historic preservation district, restoration of buildings, and the opening of new businesses.

The Ohio Humanities Council has recently recorded a series of driving tours drawn from *The New Ohio Guide*, a 1940 publication of the Federal Writers Project. Funded in part by the Ohio Department of Transportation, these tours provide humanities-rich content for the traveling public while also supporting local cultural nonprofits and businesses through increased visitation to local heritage attractions. The Georgia council has extended the impact of its "From Civil War to Civil Rights" project by partnering with a local television station and the Georgia Department of Economic Development to host a calendar, with the aim of increasing traffic for local and state cultural events. Council programs help improve and revitalize such institutions as libraries, museums, and schools, which are so important to potential investors. Councils cultivate an interest in lifelong learning, which contributes to workforce development.

The $44 million we are asking you to provide to councils is the best investment you can possibly make in strengthening the nation's communities. These funds will enable councils to build a richer civic life and a more civil, thoughtful, enlightened, and active citizenry.

We thank you for your consideration of this request and your support for the humanities.

Mr. SIMPSON. Thank you. Robin.

WEDNESDAY, APRIL 17, 2013.

THE CREATIVE COALITION

WITNESS

ROBIN BRONK

Ms. BRONK. Chairman Simpson, Ranking Member Moran and members of the subcommittee, thank you for inviting me to testify this morning to support 2014 funding levels for the National Endowment of the Arts.

My name is Robin Bronk. I am the CEO of The Creative Coalition, a nonprofit, nonpartisan public advocacy organization of the arts and entertainment community. The Creative Coalition was established in 1989 by actors Ron Silver, Christopher Reeve, Alec Baldwin and others. From the beginning, support for the arts and arts education has always been central to our mission. Our membership is comprised of actors, directors, producers, writers and others who make their livings in theater, film, arts, letters and television. On their behalf, it is an honor to speak with you today.

My first question for you is, did any of you have arts in your schools or in your communities growing up? Chairman Moran, Congressman Simpson, Congressman Cole?

Mr. MORAN. No.

Mr. SIMPSON. Yes.

Ms. BRONK. And look where you are today.

Mr. MORAN. That is not going to help you make your case.

Ms. BRONK. I would advise, do not quit your day job.

I grew up in a small town in South Carolina. We proudly boasted that we had more cows than people. Life was swell. We had a weekly newspaper that gave us all the gossip. The sheriff's patrol car doubled as the town taxi. It was great. But what really gave me my education was the local community theater. It opened up doors for me. It taught me history. It gave me discipline, strategic planning and business skills because it was so small that I would star in the shows but then I would also run the concession stand.

The Creative Coalition bottom line supports funding for the NEA, and today I am not here to talk about the arts. I am here to talk about money, the economy and the fiscal fitness for our country.

Members of The Creative Coalition know the impact that the arts have. According to statistics compiled by the MPAA, the motion picture and television industry support 2.1 million jobs and $143 billion in wages annually. In 2010, we had $13.5 billion in film and television exports with a trade surplus of $11.9 billion. The economic impact of the entertainment industry extends far beyond those who appear on camera. A television series or movie is a big enterprise. In addition, filming provides huge support to local businesses like caterers, dry cleaners and clothing stores, and this economic activity is taking place all across the country, not just in Hollywood and New York but just as likely in Utah, Louisiana or North Carolina.

Our entertainment industry is an American success story. It is a success story of fiscal fitness, but we cannot take that success for granted. We do not have any guarantee that we will remain the source of what the world wants to watch and hear, and we cannot afford to rest on our laurels. This is a delicate ecosystem, and the not-for-profit arts organizations and events supported by the National Endowment for the Arts are vital to that ecosystem, training and nurturing the next generation of talent and innovators. The community theaters, the children's theaters, the symphonies, the arts centers, the dance troupes are all the R&D of America's vibrant arts economy.

The Sundance Film Festival brings in millions and millions of dollars to Utah every year for their 10-day exposure. Speak with any of my members, you will find individuals who were drawn into the arts as young people. They were acting in community theater productions and school plays, playing in bands, spending their afternoons and weekends at local dance companies. The not-for-profit arts ecosystem was nurturing them into the artists that they would become. And, perhaps unwittingly but absolutely critically, they were playing a key role in building America's business economy.

While they may be among the most visible parts of America's arts economy, professional actors, actresses, writers and directors are only a tiny fraction of those who rely on our arts economy for their livelihoods. Arts advocates have done great work in recent years to sift through all the data and measure the impact of the arts on each community economy. In their most recent analysis, Americans for the Arts found that nonprofit arts and culture organizations spur $135 billion in economic activity annually, supporting more than 4 million full-time jobs and generating more than $22 billion in revenue to local, state and the federal government.

In a move that may prove to be one of the most impactful for the arts over the longer term, the Department of Commerce announced this past October that its Bureau of Economic Analysis would work with the NEA to, for the first time ever, quantify arts and culture.

In closing, I want to say we all know that it takes a village. Arts make a village.

[The statement of Robin Bronk follows:]

TESTIMONY OF ROBIN BRONK,
CEO OF THE CREATIVE COALITION

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

April 17, 2013

Chairman Simpson, Ranking Member Moran and members of the Subcommittee, thank you for inviting me to testify this morning regarding the fiscal year 2014 funding levels for the National Endowment for the Arts.

My name is Robin Bronk. I am the CEO of The Creative Coalition, the non-profit, non-partisan public advocacy organization of the arts and entertainment community. The Creative Coalition was established in 1989 by actors Ron Silver, Christopher Reeve, Alec Baldwin and others. From the beginning, support for the arts and arts education has always been central to our mission. Our membership is comprised of actors, directors, producers, writers, and others who make their livings in theater, film, arts, letters and television. On their behalf, it is an honor to speak with you today.

First, let me thank the members of the Committee for your strong bipartisan support for arts funding in recent years. Study after study has shown the important role that the arts and arts-related industries play in our economy, creating jobs, revitalizing communities and generating tax revenue. Your support has been essential to maintaining struggling arts organizations, allowing them to generate much needed economic activity and jobs in communities across the country.

The Creative Coalition supports funding for the NEA at a level of $154 million for the coming fiscal year. We appreciate the very tight fiscal constraints under which the Committee is operating, but we also know that – when looked at in real, inflation-adjusted dollars – the NEA's funding has already been cut by more than $100 million over the past two decades.

I. The Entertainment Industry

Members of The Creative Coalition know the impact that the arts can have. According to statistics compiled by the Motion Picture Association of America for 2010, the motion picture and television industry support 2.1 million jobs and $143 billion in wages annually. In 2010, we had $13.5 billion in film and television exports, with a trade surplus of $11.9 billion.

The economic impact of the entertainment industry extends far beyond those who appear on camera. A television series or movie is a big enterprise. A single series can employ hundreds of people. In addition, filming provides huge support to local businesses like caterers, dry cleaners and clothing stores. And this economic activity is taking place all across the country, not just in Hollywood or New York. When I call my members, I'm

almost as likely to find them at work in Louisiana or North Carolina or Utah as I am in California.

Our entertainment industry is an American success story, but we can't take that success for granted. We don't have any guarantee that we'll remain the source of what the world wants to watch and hear, and we can't afford to rest on our laurels.

This is a delicate ecosystem, and the non-profit arts organizations and events supported by the National Endowment for the Arts are a vital part of that ecosystem, training and nurturing the next generation of talent. The community theaters, the children's theaters, symphonies, arts centers, dance troupes are the R&D of America's vibrant arts economy. The Sundance Film Festival, which has become a premiere venue for emerging film talent, was started with the help of an NEA grant. The modest investment in these programs is paid back many times over.

Speak with virtually any of my members, and you will find individuals who were drawn into the arts as young people. They were acting in community theater productions and school plays, playing in bands, spending their afternoons and weekends at local dance companies. The non-profit arts ecosystem was nurturing them into the artists that they would become. And, perhaps unwittingly but absolutely critically, they were playing a key role in building artists who would help us maintain and expand our global leadership in the entertainment economy.

II. The Non-Profit Arts Sector

While they may be among the most visible parts of America's arts economy, professional actors, actresses, writers and directors are only a tiny fraction of those who rely on our arts economy for their livelihoods. Trying to gauge the impact that the arts have on our economy by looking only at professional actors would be like trying to assess the health and community impact of sports in America solely by looking to NBA or NFL players. When one looks at our non-profit arts sector and at our creative industries more broadly, the real impact of the arts on our economy comes into clearer focus.

Arts advocates have done great work in recent years to sift through all the data and measure the impact of the arts on our economy. In their most recent analysis, Americans for the Arts found that non-profit arts and culture organizations spur $135 billion in economic activity annually, supporting more than 4 million full-time jobs and generating more than $22 billion in revenue to local, state and the federal government.

In a move that may prove to be one of the most impactful for the arts over the longer term, the Department of Commerce announced this past October that its Bureau of Economic Analysis would work with the NEA to – for the first time ever – quantify our arts and culture sector's contribution to our Gross Domestic Product. When we are able to see more clearly the economic impact the arts and of our federal investment in the arts, I'm hopeful that we can build even greater support here in Congress.

III. America's Creative Economy

Even looking at the jobs and economic activity generated by the entertainment and arts industries, however, we're still missing a key reason to support for the arts. The arts play an increasingly important role as a gateway to creative thinking in all fields. Art, because of its link to creativity, is a vital part of virtually all disciplines. Even science, technology, engineering and math are inextricably tied to art, turning the acronym STEM into STEAM.

I think there are two dynamics at play here that are worth noting. One, the global economy continues to shift, and the U.S. competitive advantage is increasingly in higher-skill, more creative economic activity. Second, we're beginning to get a better sense of how the brain works and how to foster creativity.

In May of last year, the National Governors' Association issued a report entitled, "New Engines of Growth: Five Roles for Arts, Culture and Design." The study looks at the key roles that arts, culture and design play in fostering innovation, entrepreneurship, employment and revitalization. It highlights the ability of creative clusters, which include vibrant arts communities, can play in driving a region's economic growth.

The report includes a photo of MusikFest in Bethlehem, Pennsylvania, which, by the way, is an NEA grantee. The image is of a crowd watching a live music performance at the arts center called SteelStacks, which was built in the shadow of hulking decommissioned blast furnaces at a former Bethlehem Steel plant. The image is a great metaphor for our shifting economy: the industrial is transforming into the creative. Certainly we still want a vibrant manufacturing economy, but even that will take creative thinking to remain competitive. Our advantage is increasingly in our creativity.

And the arts are central to creative development. This is a point that we know instinctively and that parents have always understood. We don't give our kids crayons and paint and music lessons because we necessarily think they're going to become "artists." We do it because we know that it's beneficial for their development. And our gut feelings are increasingly being confirmed by research and science. Involvement in the arts carries a number of benefits, not the least of which is training the mind to think differently and creatively.

A recent study commissioned by the software company Adobe Systems found that an overwhelming percentage of professionals believe that creativity is critically important to a successful career. When asked what courses best teach creative thinking, the number one and two top responses were "art" and "music." If we believe creativity is essential to our prosperity, we can't afford to neglect the arts.

Conclusion

Given these economic imperatives, The Creative Coalition strongly supports an allocation of at least $154 million in the National Endowment for the Arts for the next

fiscal year. The resulting grants, leveraged with an average of eight private dollars for each dollar of NEA support, will provide a critical lifeline to and serve as an important validator for arts programs around the country. To maintain our vital arts economy and ensure continued American competitiveness in a global market that increasingly values creativity, this is an investment that makes sense for America.

Thank you for your consideration.

Mr. SIMPSON. Thank you. Sheila.

WEDNESDAY, APRIL 17, 2013.

MINNESOTA CITIZENS FOR THE ARTS

WITNESS

SHEILA SMITH

Ms. SMITH. Thank you, Chairman Simpson, Ranking Member Moran and members for the opportunity to provide public comment on the budget request for the National Endowment for the Arts on behalf of arts and culture across the country. I would like to particularly thank Representative Betty McCollum of St. Paul, who has been a lifelong advocate for and participant in the arts in her home State of Minnesota.

Minnesota Citizens for the Arts, representing 1,400 arts organizations and 38,000 artists and their audiences, are pleased to have a chance to testify in support of fiscal year 2013 funding for the National Endowment for the Arts at a level of $154.466 million. MCA is a proud member of Americans for the Arts.

I flew half way across the country to be here today because I think it is so important to support the work of the National Endowment for the Arts, which has had a tremendous impact across the country and particularly in my home state. I would like to talk about how the NEA serves as a catalyst to increase access to the arts for all Americans.

Several years ago the citizens of Minnesota took the rather extraordinary step of approving a ballot measure to add an amendment to our state constitution to create dedicated funding for the arts and the environment. By a wide popular vote, Minnesotans voted to tax themselves to increase support for the arts because they agreed that the arts bring benefits to their quality of life and the economy. We are now the only state in the country to have the arts as part of our constitution, although John Adams, when he wrote the Massachusetts state constitution, included the arts as one of the subject areas required to be provided as part of the state's educational system. There are many polls that suggest that Americans support arts funding, but in Minnesota we took it to the ballot box and we received a very strong yes.

What is now called the Legacy Amendment has led to an extraordinary flowering of artistic activity that is bringing together people from all walks of life to share in creative activities and the bettering of their communities through the arts.

The National Endowment for the Arts set the stage for this extraordinary action by investing in and encouraging the arts to flourish in every state through its highly effective grant programs. The NEA serves as a catalyst for additional state, local and private investments in the arts such as the bipartisan Legacy Amendment by providing examples to the states of highly effective creative and cultural projects as well as organizations that promote access to and involvement in the arts for all citizens.

Economists are increasingly aware that when citizens gather together to create or perform the arts, they too are a catalyst for eco-

nomic activity that brings people together to revitalize neighborhoods, energize businesses and bring energy to our economy. Through the relatively small investments made by the NEA, Congress is making possible extraordinary things all across the country, including seeding new jobs in the creative economy. In Minnesota alone, the arts have over a billion-dollar economic impact through the entrepreneurial work of artists starting small businesses, arts organizations producing and presenting the arts, and the audiences who are drawn to and who participate in the wonderful work they create.

I would like to talk about two examples of how the NEA has been a catalyst for creativity and access to the arts across the country through grants to arts organizations in Minnesota. In the late 1990s, the NEA provided seed money for a program at the American Composers Forum in Minnesota that has had a wide-ranging impact across the country on the music available to kids picking up their instruments for the first time to play in middle-school bands. I know if you are a parent you may have had the privilege of attending middle-school band concerts. It can be tough going, and not just because the instruments are making squawking noises as kids learn to control the sounds, but particularly because the music itself can be so uninteresting and sometimes just bad.

The NEA funded a program at the American Composers Forum called BandQuest to commission simple but creative music for middle-school bands. Prominent living American composers, at least four of whom have won Pulitzer Prizes, are paired with middle-school bands around the country to create new, challenging and interesting music that is inspired by the students themselves, their lives, their interests, and their town. The new music then became available to teachers and students all across the country to play with their own kids.

Over half a million kids in every state, including Idaho, Virginia, and Oklahoma have benefited from the ripple effect of the NEA's investment, creating a lasting impact and inspiring kids across the country to think of music as relevant to their own lives.

Another program funded by the NEA in St. Paul has also served as a catalyst for spurring entrepreneurship and small businesses in the arts across the country. Springboard for the Arts is an economic development agency run by and for artists, based in St. Paul, which develops programs that include business skills and entrepreneurship training for artists and programs that pair artists with small businesses to develop creative ways of attracting people and dollars. Support from the NEA has helped them create models and toolkits so that these training programs can be shared with communities all across the country.

The NEA has again been a catalyst, helping to scale up Springboard's work to a national level and allowing communities of all sizes and particularly rural communities to get access to programs and services that help artists contribute more to the economy and to their communities.

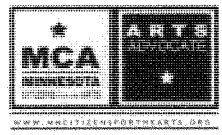
Because many artists are small-business entrepreneurs, they make good things happen at the local level. The creation of art has a real economic spillover effect. Sales revenue, advertising revenue and jobs, improving income for individual artists through training

and other opportunities allows them to better join the economic mainstream. As new markets develop around the arts, businesses benefit too, and because artists and art projects make places more attractive to shoppers, entrepreneurs and to home buyers, the larger community benefits.

The National Endowment for the Arts has an important role as a catalyst in promoting opportunities for Americans to participate in the arts, spurring employment for artists and for encouraging economic activity made possible by the arts.

For this reason I would like to conclude by reiterating our request that the subcommittee fund the National Endowment for the Arts at the President's request of $154.466 million. The dollars provided by the National Endowment for the Arts draw other private and public investments that make our local economies thrive. Thank you.

[The statement of Sheila Smith follows:]



Written Testimony in Support of FY 2013 Appropriations
For the National Endowment for the Arts

Submitted by Sheila M. Smith, Executive Director, Minnesota Citizens for the Arts

House Appropriations Subcommittee on the Interior, Environment and Related Agencies
April 17, 2013

Minnesota Citizens for the Arts, representing 1400 arts organizations and 38,000 artists and their audiences are pleased to submit written testimony to the House Appropriations Subcommittee on the Interior supporting FY2013 funding for the National Endowment for the Arts (NEA) at the level of $154.466 million. MCA is a member of Americans for the Arts.

Thank you to Chairman Simpson, Ranking Member Moran and members for the opportunity to provide public comment on the budget request for the NEA, on behalf of arts and culture across the country. I would like to particularly thank Rep. Betty McCollum of St. Paul, who has been a life long advocate for and participant in the arts in her home state of Minnesota.

I flew half way across the country to be here today because I think it is so important to support the work of the National Endowment for the Arts, which has had a tremendous impact across the country and particularly in my home state.

I would like to talk about how the NEA serves as a catalyst to increase access to the arts for all Americans.

Several years ago the citizens of Minnesota took the rather extraordinary step of approving a ballot measure to add an amendment to our state constitution to create dedicated funding for the arts and the environment. By a wide popular vote Minnesotans voted to tax themselves to increase support for the arts because they agreed that the arts bring benefits to their quality of life and economy. We are now the only state in the country to have the arts as part of our constitution (although John Adams, when he wrote the Massachusetts state constitution, included the arts as one of the subject areas required to be provided as part of the state's educational system). There are many polls that suggest that Americans support arts funding, but in Minnesota we took it to the ballot box and received a very strong yes.

The arts hold a special place in the hearts of Minnesotans whether they live in the heart of the Twin Cities of St. Paul and Minneapolis, or in any town or rural area from Ada to Zumbrota. The passage of what is now called the "Legacy Amendment" has led to an extraordinary flowering of artistic activity that is bringing together people from all walks of life to share in creative activities and the bettering of their communities through arts.

The National Endowment for the Arts set the stage for this extraordinary action by investing in and encouraging the arts to flourish in every state through its highly effective grant programs. The NEA serves as a catalyst for additional state and local investments in the arts such as the bi-partisan Legacy Amendment by providing examples to the states of highly effective creative and cultural projects as well as organizations that promote access to and involvement in the arts for all citizens.

Economists are increasingly aware that when citizens gather together to create or perform the arts, they too are a catalyst for economic activity that brings people together to revitalize neighborhoods, energize businesses, and bring energy to our economy. Through the relatively small investments made by the NEA, Congress is making possible extraordinary things all across the country, including seeding new jobs in the creative economy. In Minnesota alone, the arts have over a billion dollar economic impact through the entrepreneurial work of artists starting small businesses, arts organizations producing and presenting the arts and the audiences who are drawn to and who participate in the wonderful work they create. We know through other studies that Minnesota's artists themselves are fully engage in their communities, volunteering and voting at higher rates than other citizens, contributing their passions and their creativity to their neighborhoods and to their towns. Minnesota has 1400 nonprofit arts organizations who serve nearly 13 million attendees each year – more than twice the population of the state. This story is repeated in state after state where the NEA has had an impact.

As a child I was lucky to have parents who would take me on Sunday after church for "Culture Day" to all of the wonderful cultural organizations in our area – the Walker Arts Center, considered one of the premier modern art museums in the world, the Minneapolis Institute of Arts, which makes masterpieces from cultures across the globe available to all for free, and many other nonprofit arts organizations in St. Paul that opened my eyes to the beauty that was possible in the world and inspires me in my work even today. Even back then (and I'm not going to say how far back this was) these organizations were supported and helped along by the National Endowment for the Arts in their work to make the arts accessible to all Americans, regardless of where they live and what their resources, because the arts give us access to our cultural heritage and to ways of thinking that make us more engaged and better citizens. Because of the NEA's support these organizations are serving even more people now than they were then, and even reaching out to the rest of the world through new arts access points on the web.

I'd like to talk about two examples of how the NEA has been a catalyst for creativity and access to the arts across the country through a grants to arts organizations in Minnesota.

In the late 1990s the National Endowment for the Arts provided seed money for a program at the American Composer's Forum in St. Paul that, although it's based in Minnesota, has had a wide-ranging impact across the country on the music available to kids picking up their instruments for the first time to play in middle school bands. I know if you're a parent you may have had the privilege of attending middle school band concerts. It can be tough going, and not just because the instruments are making squawking noises as kids learn to

control the sounds, but particularly because the music itself can be so uninteresting and sometimes just bad.

In 1997 the NEA funded a program at the American Composer's Forum called "BandQuest" – a program that commissions simple but creative music for middle school bands. It was – and is – a desperate need for this important age group. Prominent living American composers – at least four of whom have won Pulitzer Prizes – are paired with middle school bands around the country to enrich their educational experience with new, challenging and interesting music. Imagine – Pulitzer Prize winning composers in residence in a middle school – writing great music that is inspired by the students themselves – their lives, their interests, and their town. The program's multiple goals include creating new high quality music that will keep the kids interested in learning, creating music that can be shared with other schools across the country, and providing musical experiences for kids that will inspire them to become life-long learners in the arts. The new music created by the modest NEA grant then became available to teachers and students all across the country to play with their own kids.

Minnesota composer Stephen Paulus, who lives on Summit Avenue in St Paul just down the road from Congresswoman McCollum and who was one of the founders of the American Composers Forum, was one of the earliest participants in the program creating a piece for BandQuest called *Mosaic.*

Another participant in BandQuest, Michael Colgrass, a Pulitzer Prize winning composer, created a piece called *Old Churches,* which took Gregorian chants and bells as its inspiration and has since become one of the most popular musical scores for kids in middle schools to play across the country. In fact, since his work with the project he's been inspired to go on to write six more pieces for middle school kids, so yet again with this project the NEA grant has acted as a catalyst to leverage additional investments and creativity in American schools.

The National Endowment for the Arts, by continuing its rather modest investment in this program for the past several years, has increased exponentially the challenging and interesting music available to middle school students everywhere who are just learning to play their instruments. In addition, the NEA grant was a catalyst to additional private investment totaling three times the size of the grant, and the series continues to this day as one of the leading sources of great music for kids by living composers.

Over 500,000 kids in every state, including Idaho, Virginia and Oklahoma have benefitted from the ripple effect of the NEA's investment, creating a lasting impact and inspiring kids across the country to think of music as relevant to their own lives.

As one participating student said, "I have a deep respect for (the composer). I play bassoon, and without this song my life would not be complete. Thank you." That – from a 12 year old.

Another program funded by the NEA in St Paul has also served as a catalyst for growing entrepreneurship and small businesses in the arts across the country. Springboard for the Arts is an economic development agency run by and for artists, based in St. Paul.

Springboard creates programs that help artists make both a living and a life and programs that help communities tap into the resources artists can provide. Their programs include business skills and entrepreneurship training for artists and programs that pair artists with small businesses to develop creative ways of attracting people and dollars.

Springboard creates these innovative programs from their home in Minnesota, and in recent years support from the NEA has helped them create models and toolkits so that these training programs can be shared with communities all across the country. The NEA has again been a catalyst, helping to scale up Springboard's work to a national level and allowing communities of all sizes (and particularly rural communities) to get access to the programs and services that help artists contribute more to the economy and to their communities.

For example, because of the NEA's support, Springboard has been able to provide training in entrepreneurship for artists in Cedar Rapids, Iowa, where artists are leading the way in the redevelopment of a business district devastated by the historic 2008 flood.

Because many artists are small business entrepreneurs, they make good things happen at the local level. The creation of art has real economic spillover effects — sales revenue, advertising revenue, and jobs. Improving income for individual artists through training and other opportunities allows them to better join the economic mainstream. As new markets develop around the arts, businesses benefit, too. And because artists and art projects make places more attractive to shoppers, entrepreneurs and homebuyers, the larger community benefits.

The National Endowment for the Arts has an important role as a catalyst in promoting opportunities for Americans to participate in the arts, spurring employment for artists and for encouraging economic activity made possible by the arts. For this reason I would like to conclude by reiterating our request that the Subcommittee fund the National Endowment for the Arts at the President's request of $154.466 million.

We are concerned that the nonprofit arts and the small businesses they often work with will be negatively impacted by cuts just as they are starting to get back on their feet after the recession. The dollars provided by the National Endowment for the Arts draw other private and public investments that make our local economies thrive. Please support the NEA's request.

Mr. SIMPSON. Well, thank all. Let me echo Mr. Moran's comments about your testimony. It is very important. You will be happy to know, Robin, that in my local community, the sheriff's car also serves as a taxi, not a voluntary taxi. Nevertheless, it transported people anyway. And one of my favorite places in Boise is the Shakespeare Festival that they do there annually. It is a fantastic place and event and it is amazing if you go to it. It is not the highbrow people that are there; it is everyday citizens that are coming to watch it and love it.

Now, the problem is, as you know and as you mentioned, Dr. Knapp, that the budget has decreased every year for the last 3 years. I do not know of a budget that has not decreased every year for the last 3 years, and trying to reverse that is going to be difficult for us because of the allocation that we are going to be given and stuff. It is going to make it tough to put a budget together and try to address all these things.

One of the problems I have is while—I mean, I have been a greater supporter of the arts and the humanities—I will classify those together—because I think they are very important for our society. The real problem—and I get letters from those people and organizations that get grants and that type of thing all the time thanking me for supporting the arts. If you go out and ask the general public what the arts and humanities do and why we fund them, most people have no idea. They have no idea what the grants do to preserve a history and stuff and the humanities. They do a fantastic job in Idaho and the rest of the country. How do we get the message out to the American people about what their investment—because it is not our investment, it is the people's investment—what their investment in the arts and humanities actually does for society. I have always said that the math and science is how we make a living but it is the arts that we live for, and that really is true. When you look at societies that have gone before us, the things you remember of them, of lost civilizations, is their art. It is important to us, and we will do everything we can to try to fund it.

The other question I have, it has been suggested by some people that the requirements of the percentage of funds that go to NEH, that go to the states, that that percentage be increased. Is that something that your state humanities councils support?

Ms. THOMPSON. That it be increased over, say, the President's budget or——

Mr. SIMPSON. Not the total amount but the percentage, the requirement of the percentage that goes to the states.

Ms. THOMPSON. I do not think that we have an actual overall request that would address that. I think what we are asking is consistent with the President's budget this year. But in terms of increase, I cannot give you a specific answer.

Mr. SIMPSON. I suspect there are some that would like to see it increase. Who would not?

Ms. THOMPSON. Of course. I do not mean to avoid a wonderful opportunity to say yes. You know, we would like increased funding but we are certainly——

Mr. SIMPSON. Yes.

Ms. BRONK. Chairman Simpson, to your point about educating Americans about the investment in the arts, I would like to formally say that The Creative Coalition is very happy to gather our best actors, writers, producers, and directors to create a messaging campaign and a public service campaign to educate our citizens about investment in the arts.

Mr. SIMPSON. It would be very beneficial to do that. Rocco came out and visited the Shakespeare Festival and saw what they did in local school districts and everything else, and we had Chairman Leach out and did a program on PBS and a variety of things like that. I mean, we are politicians. We respond to our constituents. And when our constituents ask us to do something in large numbers, generally we do it, and somehow it is similar to—I think one of the great institutions in this town is the NIH, National Institutes of Health. They do incredible research at that facility. The problem is, nobody knows about it, and if you ask the American public what the NIH does, they will go, what is it, you know. There has not yet been a way to tell the people what they are getting for their investment in NIH. The same thing with the arts and humanities. And somehow we have got to change that role. When people understand what it means to preserve our history and what it means to invest in our arts, what it means to our daily lives, that is when you see something happen. Mr. Moran.

Mr. MORAN. Mr. Chairman, we are going to try to stay on schedule, so in deference to the other folks who want to testify, I will leave it at that. I do think we need to think hard, though, before we simply pass through the money to the state humanities councils. What has been suggested is that we redistribute the money within the diminished pie, and I do not think that is what we are looking for. I think we are looking for a somewhat more robust funding even in a very challenging fiscal environment. Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you. Thank you all. I appreciate it.

Our next panel is Mark Menlove, Tom Kiernan and James Ogsbury. Mark, you are first.

WEDNESDAY, APRIL 17, 2013.

OUTDOOR ALLIANCE/IDAHO OUTDOOR BUSINESS COUNCIL

WITNESS

MARK MENLOVE

Mr. MENLOVE. Well, thank you for the opportunity to be here, Chairman Simpson, Ranking Member Moran. My name is Mark Menlove and I am the Executive Director with Winter Wildlands Alliance, which is an Idaho-based national nonprofit organization working on behalf of backcountry skiers, snowshoers, and other winter adventurers.

Winter Wildlands is also a founding member of the Outdoor Alliance, a coalition of six national organizations which also includes American Hiking Society, American Canoe Association, American Whitewater, the Access Fund, and the International Mountain

Biking Association. We represent the millions of Americans who hike, climb, mountain bike, paddle, ski, and snowshoe on our Nation's public lands, waters, and snowscapes. We have a direct membership of more than 100,000 people and a local network of local clubs of 1,400 clubs representing every state in the country.

Henry David Thoreau famously wrote "In wildness is the preservation of the world." Indeed, entire organizations have been founded with those words as premise. Less famous is Thoreau's impassioned admonition for actual contact with wild places wherein he wrote the need for "contact with rocks, trees, wind on our cheeks, the actual world." Then he really got revved up with exclamation points writing "the common sense. Contact! Contact!"

I am here to tell you that the Outdoor Alliance community shares Thoreau's belief in the common sense of contact with wild places. Our community has a direct and experiential relationship with and stake in our Nation's public lands and waters and the amazing recreation opportunities that these places afford.

Before sharing our unique perspective, I also want to say that we understand the huge challenge that you face with less money to allocate and we thank you for your thoughtful approach.

There are a number of budget items important to the outdoor recreation community. As my time is short, I want to leave you with three points. Number one, it is the economy. Outdoor recreation, which hinges on access to high-quality public lands and waters, is a major economic driver and source of jobs, particularly in the West. Americans spend $646 billion pursuing outdoor recreation each year, according to a recent study by the Outdoor Industry Association. That is twice as much as they spend on cars and pharmaceuticals. In my home state of Idaho, outdoor recreation creates more than 77,000 jobs—that is 13 percent of the total jobs in the state—$6.3 billion in consumer spending, $1.8 billion in wages and $461 million in state and local tax revenue. Incidentally, a 2012 statewide poll commissioned by the Idaho Outdoor Business Council showed that 76 percent of Idaho voters think that even with federal budget problems, funding for conservation and basic environmental protections should not be cut. That is Idaho, mind you.

Mr. SIMPSON. Because we love our public lands.

Mr. MENLOVE. That is right. This spending and job creation will be severely dampened if the agencies that manage our public lands are underfunded and underresourced. We saw that happen this past year when a well-loved and well-used system of backcountry yurts was closed down for an extended period due to a Forest Service permitting backlog and some complications between state and federal agencies. Not only did Idaho parks and recreation lose much-needed revenue from an asset that is always used to full capacity but the local businesses, some of whom are my friends and neighbors, lost the revenue that they would normally have by renting gear and outfitting skiers and snowshoers who visit those yurts.

We support a commonsense approach that will adequately fund Forest Service, National Park Service and BLM activities essential to providing public recreation access to high-quality public lands and waters. In particular, we support a modest increase to $290

million for the Forest Service Recreation Heritage and Wilderness program, which oversees all recreation on national forestlands. We support base funding of $38.3 for the BLM's monuments and national conservation areas and $77.5 million for the National Landscape Conservation System.

Number two, land management planning is vital. Last year the U.S. Forest Service issued a new forest planning rule replacing regulations going back more than 30 years. From the Outdoor Alliance community's perspective, the new planning rule is a thoughtful, nuanced and modern approach to planning that includes a healthy degree of public engagement. Solid forest plans which create the long-term blueprint for where a specific activity can and cannot happen on a given forest will pay dividends not only for the ecosystems and recreational resources but also for local and regional economies that thrive because of their close proximity to healthy public lands that can be experienced and enjoyed.

As you know, the path to arriving at a workable forest planning rule is long and tortured with misfires stretching back through three Administrations. The majority of our national forest units are operating on grossly outdated forest plans, and the queue for forests needing to update those plans is long. With so much at stake, now is not the time to cut funding to this vitally important effort. We recommend a minimum of $250 million for land management planning, assessment and monitoring. While a relatively modest sum, this is substantially more than the $184 million proposed by the Administration.

Number three, Land and Water Conservation Fund. We like it. The Land and Water Conservation Fund, or LWCF, enjoys bipartisan support, has been used to enhance access to and protect landscapes and river corridors of extraordinarily high value to the recreational community. We particularly like what we are hearing about the potential for mandatory funding of LWCF. We support the Administration's recommended figure of $600 million for LWCF this year and we are delighted with plans to fully fund LWCF in fiscal year 2015, and while we support moving that fund out of the appropriations process, we believe the current funding mechanism, which is a pretty straightforward system that makes sense to the American people and to the recreation community should not be tampered with.

Thanks for the opportunity to present our perspectives.

[The statement of Mark Menlove follows:]

TESTIMONY OF MARK MENLOVE, WINTER WILDLANDS ALLIANCE
AND OUTDOOR ALLIANCE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
PUBLIC WITNESS HEARING, APRIL 17, 2013

Executive Summary of Outdoor Alliance FY2014 Budget Recommendations:

Agency	Program and Funding Recommendations
Dept. of Agriculture Forest Service	Land Management Planning/Assessment/Monitoring: $215 million Recreation Management, Heritage and Wilderness: $290 million Capital Improvements & Maintenance: $325 million
Dept. of Interior Bureau of Land Management	Recreation Management: $70 million National Landscape Conservation System: $77.5 million National Monuments/National Conservation Areas: $38.3 million
Dept. of Interior National Park Service	National Recreation and Preservation: $52 million
DOI and USDA Jointly	Land and Water Conservation Fund: $600 million

Mr. Chairman and Honorable Members of the Subcommittee:

My name is Mark Menlove and I serve as Executive Director of Winter Wildlands Alliance, an Idaho-based national non-profit organization advocating on behalf of backcountry and Nordic skiers, snowshoers and other winter adventurers. Winter Wildlands Alliance is a founding member of the Outdoor Alliance (OA), a coalition of six national, member-based organizations including Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance that represents the interests of millions Americans who hike, paddle, climb, mountain bike, ski and snowshoe on our nation's public lands, waters and snowscapes. Our collective direct membership is more than 100,000 people, and we have a network of almost 1,400 local organizations and clubs covering every state in the country.

Winter Wildlands Alliance is also a founding member of the Idaho Outdoor Business Council, a statewide coalition of businesses and recreation groups dedicated to preserving and promoting Idaho's spectacular wild lands and waters, and to educating public officials as to the importance of conservation measures and public lands funding initiatives as drivers for Idaho's outdoor recreation economy and quality of life

The Outdoor Recreation Economy Requires Realistic Funding for Public Lands

Outdoor recreation, which hinges on access to high-quality public lands and waters, is a major economic driver and source of jobs, particularly in the West. Americans spend $646 billion pursuing outdoor recreation each year; according to the Outdoor Industry

Association's (OIA) research, that's twice as much as they spend on cars and pharmaceuticals. Another part of OIA's research shows that, in Idaho, outdoor recreation creates more than 77,000 jobs, $6.3 billion in consumer spending, $1.8 billion in wages and $461 million in state and local tax revenue. Putting that in perspective, recreation accounts for eight percent of Idaho's economy and 13 percent of total jobs in the state. Incidentally, a 2012 statewide poll commissioned by the Idaho Outdoor Business Council showed that 76 percent of Idaho voters think that even with federal budget problems, funding for conservation and basic environmental protections should not be cut.

This spending and job creation will be severely dampened if the agencies that manage our public lands are underfunded and under-resourced. Inadequate funding and lack of resources often creates a dynamic where land managers are forced to close or highly restrict public access. This dynamic played out in my home state of Idaho earlier this year when a much-loved and highly-used system of backcountry yurts operated by Idaho Parks and Recreation under U.S. Forest Service permits was closed down for an extended period due to a permitting backlog and complications between the state and federal agencies. Not only did state Parks and Recreation lose much-needed funds from an asset that is nearly always used to full capacity, but local businesses, some of whom are my neighbors and friends, who rent gear and outfit skiers and snowshoers visiting the yurts lost revenue.

The Outdoor Alliance and Idaho Outdoor Business Coalition support a common sense budget approach that will adequately fund Department of the Interior and Department of Agriculture activities that is essential to providing public recreation access to high quality public lands and waters. Numerous studies show that access to scenic open space and recreation opportunities is the anchor that attracts high wage earners and the companies that hire them – both workers and employers drawn by a qualify of life based on outdoor recreation.

The Time to Invest in Land Management Planning is Now

Of particular concern to our community is adequate funding for land management planning. Last year the United States Forest Service (USFS) issued new regulations that direct how forest plans are created and implemented on our national forests and grasslands. These new regulations, commonly known as the "planning rule" replace regulations that are more than 30 years old. Forest planning is an often overlooked, but profoundly important exercise that creates a long-term blue print for what can and cannot happen on a given forest. From the human powered outdoor recreation community's perspective, the new planning rule is a thoughtful, nuanced and modern approach to planning; the USFS must have the resources to implement the planning rule.

The planning rule has three basic parts – assessment, plan development and plan monitoring, all of which are premised on a healthy degree of public engagement. Rather than generating a complete draft plan behind closed doors and then presenting it

to the public for review, the new planning rule incorporates information, sentiment, and perspectives from the public as the plan parts are developed in an iterative process. This new approach vests a broader swath of the public in the rendering of the plan and thus has the potential to not only ameliorate future conflict and expense, but to create, through crowdsourcing, better, more thoughtful and precise forest plans that will not only conserve and protect our national forests, but better serve local and regional economies.

If funding for forest planning is anemic, we fear that public engagement in the planning process will suffer and that USFS planning teams may choose data collection, analysis and planning techniques on the basis of what will be least expensive rather than what is most appropriate for a given forest. Solid forest plans will pay dividends not only for ecosystems and recreational resources, but also for local and regional economies that thrive because of their close proximity to healthy public lands that can be experienced and enjoyed.

As members of the Subcommittee are well aware, the path to arriving at a workable Forest Planning Rule has been long and tortured with misfires stretching back through three administrations. The majority of national forest units are operating on outdated plans and the queue is long for forests needing to revise plans under the new rule. With so much at stake, now is not the time to cut funding for this vitally important effort. We recommend a minimum of $215 million for Land Management Planning, Assessment and Monitoring, substantially more than the $184 million proposed by President Obama.

In addition to USFS, the Bureau of Land Management also must have sufficient resources to conduct Resource Management Plans as well as Master Leasing Plans throughout the West, including the innovative public outreach and engagement activities that we are starting to see. For example, towards the end of 2012 and the beginning of 2013, the Oregon state office of BLM engaged the public through a variety of in-person and online channels to inform their planning process for approximately 2.5 million acres of federal land in western Oregon. BLM secured public input on river resources, existing recreational opportunities and the need for future recreational opportunities.

BLM's efforts culminated in a series of five public meetings across the state, some co-hosted with local leaders of the recreation community. More than 200 people attended the last meeting in Portland on February 5 demonstrating the public's appetite to engage and assist in planning for how their lands are conserved and experienced. As with the new USFS approach to forest planning, the dollar cost of conceptualizing, designing and implementing this public outreach before a draft plan is released for public review is a wise investment of public dollars that improves plan quality, heads off potential conflict, and vests the public in how their lands are managed. If BLM does not have adequate resources to engage in both planning activities and public outreach, these public resources will suffer and local and regional economies will be negatively impacted.

Resources Required by USFS and BLM to Conserve Landscapes and Provide Sustainable Recreation for all Americans

The USFS **Recreation, Heritage and Wilderness** program oversees all recreation on national forest lands, and yet this program is chronically underfunded. We recommend **$290 million** for this program to allow the Forest Service to prioritize resources and facilities, maintain current on-the-ground staff, and continue basic recreation resource analysis and planning.

The National Forest System serves more than 50 million visitors annually who participate in activities like backcountry skiing, hiking, climbing, paddling and mountain biking. More than 153,000 miles of trails support these activities yet the Forest Service struggles with maintenance backlogs in the billions of dollars. Although we believe a more appropriate figure is $350 million, in the current budget climate we support the Administration's requested budget of **$325 million for Capital Improvements and Maintenance** to avoid adding to this massive deferred maintenance backlog, improve non-motorized trail infrastructure, mitigate resource impacts, and provide high-quality recreational experiences on national forest lands.

Regarding the treasures managed by the Bureau of Land Management, Outdoor Alliance supports the base funding for Monuments and National Conservation Areas in the President's budget at $38.3 million. We also enthusiastically support the total funding figure that the President proposes for the National Landscape Conservation System as a whole at $77.5 million.

Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) enjoys bipartisan support and is a priority program for Outdoor Alliance. Projects such as the Henry's Lake Area of Critical Environmental Concern in Idaho, a proposed conservation easement on working ranch lands along the highway to West Yellowstone travelled my roughly two million visitors each year, enhance both the quality of life and the recreation economy in communities across the country.

We support the Administration's recommended **LWCF figure of $600 million**, but greatly prefer that this sum come, as it has since the 1960s, from offshore oil and gas royalties. We are also delighted with the President's plan to fully fund LWCF in FY2015, but, again, believe this funding needs to come from traditional revenue sources that already exist. Although the President's FY2014 is innovative in its approach to LWCF funding, we feel it brings a level of complexity unwarranted to a pretty straightforward system that makes sense to the American people and recreation community.

Thank you for the opportunity to present our recommendations for FY2014.

Mr. SIMPSON. Thank you. I appreciate it, Mark. Tom.

WEDNESDAY, APRIL 17, 2013.

NATIONAL PARKS CONSERVATION ASSOCIATION

WITNESS

TOM KIERNAN

Mr. KIERNAN. Well, Mr. Chairman, Ranking Member Moran, thank you very much for the opportunity to testify. I am Tom Kiernan, President of NPCA, and on behalf of our over 750,000 members and supporters, we appreciate this opportunity.

I want to first recognize and thank the committee for your extraordinary work to try to maintain the funding for our national parks. We know that you get the importance of national parks, so first and foremost, thank you very much for your good work. We also recognize the challenging environment that you are working within with the declining allocation and with the sequester, so we understand the context.

That said, we do want to talk about the coming centennial for the national parks. We have got the 100th anniversary coming up, an extraordinarily important opportunity to reengage Americans with our national parks, and when we look at the budget over the last 10 years, the total Park Service budget has declined by 15 percent in the last 10 years, and with the sequester, an additional 6 percent, and we are deeply concerned. That is not the way we need to prepare the parks to serve for a second 100 years for this country and for the world.

A few examples that likely you know well, the result of the recent sequester up at Acadia. We are looking at delaying—the Park Service is looking at delaying the opening of the park a month, obviously impacting negatively so many of the businesses up there. Blue Ridge Parkway is looking at closing 400 of their campsites. Denali, which has a maintenance backlog of about $50 million, will have six fewer maintenance staff. And in total, we are looking at just shy of about 2,000 fewer staff in the parks this summer to both greet the visitors, help interpret the parks, help protect the parks during the highly active visitor season. We think this is poor for the parks and also for the local economies. The Park Service generates 250,000 jobs in gateway communities, many in both of your states, $30 billion of economic activity. We do have a letter we would ask be added to the record of so many local——

Mr. SIMPSON. You bet.

[The information follows:]

February 28th, 2013

Dear Mr. President and Members of Congress:

We own, operate, and support the restaurants, shops, equipment rentals, motels, gas stations, and other small businesses that provide services to national park visitors. Our businesses and livelihood, and that of our employees and their families, depend on keeping the national parks open and in good condition. Watching the political jockeying in Washington from afar, frankly we are worried about the impact to our businesses. Simply put, even more cuts to national park budgets would be penny wise and pound foolish. Our families and our communities and the nation's economy will suffer without much real fiscal benefit to the federal budget. The fact is national parks produce $31 billion in economic activity every year. They are fundamental to America's $646 billion outdoor recreation economy.

Parks help diversify our economies by fueling broader economic development; our communities recruit high-quality entrepreneurs, employers and employees because parks make our region an especially attractive place to put down roots. The economic foundation the national parks provide for our businesses and communities is jeopardized by political maneuvering that leads to more national park budget cuts rather than the investments these important national assets need and deserve. The annual budget of the National Park Service amounts to only 1/14th of 1% of the federal budget. Reduced opportunities or public interest in visiting diminished parks mean less business activity, lost jobs, and lower revenue for our communities – hardly what is needed to promote economic recovery.

We are part of the 92 percent of Americans who, according to a recent bipartisan poll by Hart Research Associates and North Star Opinion Research, believe budgets for the country's most precious scenic, scientifically important, historic and frequently visited places have been cut enough already. As you consider how to make the federal budget adjustments and investments our nation needs, we ask you to help preserve the economic stability of our communities by protecting national park budgets from further cuts. The stark reality is this: reducing park budgets kills jobs.

Sincerely,

45th Parallel Cafe
A different perspective, photography
A Quiet Place Yoga and Shiatsu
A Walk in the Woods
Abbe Museum
Acadia Air Tours
Acadia Bike/Coastal Kayaking Tours
Acadia Cottages
The Acadia Corporation
Acadia National Park Tours
Adventure Links at Hemlock Overlook
Adventure Out
Adventure Spirit Rock+Ice+Alpine Experiences
Aerie House & Beach Club
Alaska Alpine Adventures
Alaska Wildland Adventures
Alexander's Country Inn
Alger County Chamber of Commerce
AllTrips
American Alpine Institute
Antelope Point Marina Boat Rentals
Arizona Raft Adventures
At Home In The Woods Bed & Breakfast
Aurora Borealis Designs
Aviator Sports and Events Center
Bahles of Suttons Bay
Ballan Furniture
Bar Harbor Book Shop, Inc.
Bar Harbor Whale Watch Company
Bar W Guest Ranch

Bartletts Gourmet Grill
Bass Cottage Inn
Becker Photographic
Becky Thatcher Designs
Belle Hearth Bed and Breakfast
Big Balls Inc
Biggs Construction Service
The Birches Acadia Bed & Breakfast and Cottages
Black Star Farms
Blue Flag USVI
The Bonsai Garden
Boston's Best Cruises, Inc
Brain Storm!
The Bridge Gallery
Bronco Bobbi's
Buhr Electric
Bunk House at ZION Bed & Breakfast
Calhoun Country Inn
Calhoun House Inn & Suites
Camp Idlewood
Camp Lincoln and Camp Lake Hubert
Capri Restaurant
Captain Jacks Stronghold Restaurant
Castle Gruen Winery
Castle Valley Inn
Cathy B Designs
Cathy Hart Photography
Cedar Ridge Farms
Certified Guides Cooperative
The Chart Room Restaurant
CIEE
City of Baker, Ca.
City of Enumclaw
College of the Atlantic
Community Chiropractic Health Center
CoolWorks.com
Coplon Associates
The Cornerstone Cabin
The Cottage Craftsman
Courageous Thinking Inc.
Craig Romano Guidebook Author
Crossroads Cafe
Crown of the Continent Geotourism Council
Crystal Creek Construction
CTRA-Cooperative Teamwork & Recycling Assistance
Cygnus Real Estate
Deep Creek Arts
Denali National Park Wilderness Centers, Ltd.
Denali Park Hotel
Desert Trails Bed and Breakfast
Dickinson & Wait Craft Gallery
Discover Hawaii Tours
DNC Yosemite
Doe Bay Resort and Retreat
Down East Nature Tours
Down East Nature Tours
Dunleavy and Associates
EA Group, LLC
The Eagles Lodge Motel
Elias Butler Photography
Elite Land Tours
Ellsworth Self Storage
Enerdyne Inc.
Enumclaw Area Chamber of Commerce
Environmental Artists
Evelyn Hill Inc.
Everglades Alligator Farm
EverGreen Escapes
Evergreen Lodge
Far Out Expeditions
Fields Construction Services, Inc.
Fire Island Association
The Fish Hook
The Fish Hooked
Fishtown Charter Service
Flagship
Fly Fishing the Smokies
Friends of Carl Sandburg
Friends of Casa Grande Ruins
Friends of Virgin Islands National Park
Gage County Tourism
Garden Wall Inn
Gettysburg Tours, Inc
Glacier Guides, Inc. & Montana Raft Co.
Good Old Books
Grand Canyon OARS and Dories
Grand Canyon River Guides, Inc.
Grand Canyon Whitewater
Grandma's Cottage

Graycote Inn
GrayLine Polynesian Adventure Tours
Great Rivers Greenway District
Green Concepts llc.
Green Goodness of Leland
Green Tortoise
Grove Scuba
Haleakala Bike Co.
Harry S Truman Little White House Museum
The Hideout Lodge & Guest Ranch
High Adventure Air Charter Guides & Outfitters
Historic Half Way House Restaurant
Holiday River Expeditions
Homestead Bed and Breakfast, Copper Center
Hunewill Ranch
Hutchins Cottages at Acadia
ImprovAcadia
Indiana Dunes Tourism
International Falls Economic Development Authority
International Falls Police
International Park Advisors
Intrax
Isleview Motel and Cottages
Ivy Manor Inn
Jean Lafitte Swmp Tour
Jefferson County Convention and Visitors Bureau
Jersey Boys Pizzaria
John Hall's Alaska
Jonathan L Foote & Associates, Architects and Planners
Jo's Motel & Organic Deli
Joshua Tree Health Foods
Joshua Tree Realty
Joshua Tree Realty
Judy Levin, Realtor
KAF Adventures
Kalaupapa Rare Adventure
Kamp Kohut
Kansas Lavender
Kerry Satterwhite Yoga
Key Largo Marine Tours
Kingsleigh Inn B&B
Kleiss Gcars Inc.
Lake Leelanau Narrows Resort
Lazedazegetaway
Leelanau Cheese Co
Leelanau Community Cultural Center
Leelanau MedicalBev, LLC
Leland Chamber of Commerce
Leland Lodge
Leland Township, Leelanau County Michigan
LHG Marine Inc.
LJ Communications, Inc.
Lost Creek Ranch
Madison Hotel & Gift
Maho Bay Camps, Inc
Manitou Island Transit
Manitou Outfitters
Marsha Buhr Design
Martha's Leelanau Table
McConnell & Associates
McKinley Creekside Cabins
Michael E. Gordon Photography
Michigan Artists Gallery
Mineral Lake Lodge
Moab Springs Ranch
Mom's Stuff Salve
Montana Coffee Traders
Moorings Inn
Moosehorn Resort
Mountain Meadows Inn Bed & Breakfast at Mt. Rainier
Mountain Trip International, LLC
Mts Photography
Murdick's Fudge Shoppe
National Association of RV Parks and Campgrounds (arvc)
National Parks Revealed
NeedMoreOutdoors
New Wave Rafting Co
North Mountain Vineyards
O.A.R.S.
Oakland Green Farm B & B
Olis Trolley Inc
OPAS
The Outdoor School
Paradise Adventure Company
Patagonia Area Resource Alliance
Perceptions Photography
Petersburg Area Regional Tourism

Pictured Rocks Weddings
Pikes Peak Alpine School
Positively Cleveland
Pro Guiding Service
The Pumphouse Restaurant
R. F. Orehids, Inc.
Rainy Lake Houseboats
Randj Detailing
Red Cliffs Lodge
Red Rock Ranch
Ricochet Gourmet
Ricochet Vintage Wears
Ring Lake Ranch
The Riverside Inn
Robert Is Here, Inc.
Rockbridge Vineyard
Rocky Mountain Outfitter
Rooster Hill Bed & Breakfast
Saving Birds Thru Habitat
Schnebly Winery
Shady Lane Market
Shady Oaks Farm Bed and Breakfast
Shawnee Canning Company
Shepherdstown Pedal & Paddle
Shooting Star
Sisson's Main Street Specialties
Sleeping Bear Surf & Kayak
Snakefoot Farm
Soda Butte Lodge
Sorrel River Ranch Resort & Spa
Sorrel River Ranch Resort and Spa
Soulfish Outfitters
Southwest Harbor Public Library
St Croix River Association
St. Augustine Eco Tours
Statue Cruises
Stepping Stone Cabins
Steven M. Shermoen Law Office
Stonewall Jackson Inn
Stray Kat Studios
Studio 22
Summit Lake Lodge
Sunny Cove Sea Kayaking
Sweet Cravings Bakery
SWI
Tacoma Regional CVB
Tarpoon Lagoon Dive Center
Terrace Motel of Munising, Michigan
Theodore Roosevelt Medora Foundation
Thera-Wear
The Thirsty Whale Tavern
Thunderbird Lodge
Tiki Hut
Town of Cranberry Isles, Maine
TRF Concession Specialists of Florida, Inc
Trip Hart Law Office
Tropical Everglades Visitor Association
Trust for the National Mall
Tule Lake Chamber of Commerce
Two Fish Gallery
Uncle Ducky Outdoors
USA Raft
Valley Forge Convention and Visitors Bureau
The Valley Forge Encampment Store
Valley View Farm
Venture Properties
The Village at North Fork
Village Cheese Shanty
Vilnis & Co. Antiques
Visit Topeka Inc.
Voyageur Motel
Voyageurs National Park Association
W. Rainier Economic Development Initiative
Wapiti Woolies, Inc
Wendell Gilley Museum
Western Spirit Cycling
Wild Horizons Publishing, Inc.
Wild Virginia
Wilderness Edge Cabin
Wilderness Inquiry
Williamsburg Sampler Bed & Breakfast Inn
Willow Vineyards
XYZ Restaurant
Yellowstone Basin Inn
Yellowstone Park Service Stations
Young Beck LLP
Zion Enroute LLC

Mr. KIERNAN. Thank you very much—local businesses expressing their deep concern. One discussion we had recently with an outfitter near Delaware River Water Gap was looking at likely reduced revenues for that small outfitter by 25 percent as a result of a reduced number of access points into the river and so they were deeply concerned.

The President's budget request is a very small step in the right direction and would hope the committee would be able to build on it. Our priorities are the operations, as has been your priority. Thank you. We also believe we need to get back to funding the construction account. What we see has been happening is that it is like not changing the oil in our car. You can do that for a little while but after a while you are going to pay the price, so we think we need to be better funding the operations and the construction account.

To help come up with some additional funding, NPCA recently with the National Park Hospitality Association and the Bipartisan Policy Center did cohost a symposium where we brought together over 200 of our partners to analyze 16 different white papers for additional funding strategies to augment appropriations, and so those ideas are getting further refined and we very much look forward to working with you and the authorizing committee to look at those ideas to figure out which ones can work, get implemented, again, to help fund the national parks. One of the key ones is the fee legislation that will expire in 2014. We obviously want that reauthorized but also think there are opportunities to improve it and hope that this committee again with the authorizers would look at that.

I do want to close with a quick story, if I can, to give you a sense of our view of the importance of the parks. A couple years ago my wife and I were on vacation with our three kids, and they were at that point late teenagers, and we took the rather bold idea of asking them a fundamental question. We asked them as parents, what have we done well in rearing you and what have we done poorly. It was a gutsy question, and our teenage children did not miss the opportunity to lay out in full detail everything we did wrong. However, the first thing that they said that we did right as parents was take them to the national parks, and our kids then recounted for us all the stories as a family of us playing together in the parks, learning together in the parks. They remembered at Great Sand Dunes National Park jumping off the sand dunes together. They remembered rigging a sail over a canoe as we went across Shoshone Lake in Yellowstone. So our hope is by the centennial in 2016, we can have parks that are well funded, well protected and more families, more Americans are in the parks so that more parents can be told by their children or friends can be told by their colleagues the best thing you ever did was to take me to a national park.

[The statement of Tom Kiernan follows:]

Statement of Thomas C. Kiernan, President
National Parks Conservation Association
House Appropriations Subcommittee on Interior, Environment and Related Agencies
April 16, 2013

Mr. Chairman, Ranking Member Moran, and members of the subcommittee, I am Tom Kiernan, President of the National Parks Conservation Association (NPCA). I appreciate the opportunity to testify on behalf of our more than 750,000 members and supporters from every state and congressional district to provide our views regarding appropriations for the National Park System for the upcoming fiscal year. Founded in 1919, NPCA is the leading, independent, private voice in support of promoting, protecting and enhancing America's national parks for people from all walks of life to learn from, be inspired by and enjoy – now and on into the future.

We testify during a very challenging time for the National Park Service and the appropriations process, as you know all too well. I want to first acknowledge the very significant challenges you have had to face as you have seen your allocation dwindle and have had to implement the sequester that reduced funding for programs that I know you realize are important and support. We recognize as well the challenge in meeting the substantial needs for fire suppression in the West and hope that you can work with the Senate to reach a final bill this year that can prevent fire needs from eating into other needed investments in the Interior bill.

NPCA is working on several levels to encourage Congress and the administration to come together on a broad solution that addresses the real drivers of the deficit, which certainly are not the discretionary programs in the Interior appropriations bill. We recognize that until and unless such a deal is struck, it will be a continuous struggle to provide national parks with the funding they need, that park visitors and communities deserve, and that the American people support—as we know from polling that we've already shared with you showing broad bipartisan support for national park funding. As we noted last year, we deeply appreciate and congratulate your frankly courageous effort to put everything on the table in an effort to secure a truly meaningful, worthwhile compromise on the deficit. Yet here we are in a situation that we all had hoped would never come to pass, with sequestration in place, and a final FY13 continuing resolution that cut park funding even more than sequester-mandated levels. We are also concerned that the FY14 House budget sharply cuts discretionary spending; if that budget were implemented, it would further challenge this committee's effort to meet the needs of our national parks.

The hard reality for national parks is that they are experiencing deep impacts from the sequester and other continuing reductions, and this year—2013—will be the most challenging in some time for park superintendents. As you know, the final FY13 levels came on top of two prior years of budget cuts for the park service. Since FY10, park operations have declined by an estimated $300 million—or nearly 13%—in today's dollars. We know that you understand the importance of funding the operations of our national parks, but it is worth taking a moment to summarize the damaging impact these cuts are having in every park across the country.

As you know, the situation at every park is different, and the impacts of the sequester vary park-by-park. In Maine, Acadia is delaying completely opening the park by a full month, with reduced staff and visitor center hours as well. At Blue Ridge Parkway, the most visited unit in the system, more than 400 campsites will be closed, in addition to picnic areas and visitor centers. Denali National Park and Preserve in Alaska will go without—among other positions lost through attrition—six maintenance staff, despite a deferred maintenance backlog there that has grown to nearly $50 million. And finally, at Mammoth Cave National Park in Kentucky, there will be fifteen fewer staff this year, and fewer rangers will be available in the main campground to assist visitors. There will also be fewer cave tours, such that an estimated 28,000 people will not be able to visit Mammoth Cave as a result.

Overall, there will be nearly 2,000 fewer staff in our national parks this year to protect the amazing resources that have inspired visitors for nearly a hundred years, and to provide a safe and enjoyable experience for the nearly 300 million annual park visitors from across our nation and the world.

I read this week the story of outfitters at Delaware Water Gap National Recreation Area, which is among the most visited park service units. Outfitters in gateway communities were expressing concern over the National Park Service's decision to close several access points to the river, a cutback in services that is likely to make a canoe trip downriver lengthy enough to discourage many families from visiting. Canoe livery owners predicted the access closures could decrease business by 25 percent. The superintendent responded by outlining the very real constraints to his budget as a result of the annualized across-the-board cut of five percent to park budgets that has resulted from the sequester. This is just one of many stories, and we worry what will happen to countless local businesses this summer and families looking forward to their park visits—an experience of a lifetime for so many of them—when facilities are closed and rangers are not there to greet people and ensure they have a safe and inspiring visit.

Recently, a number of businesspeople whose livelihood is threatened by reductions in park budgets wrote to the president and congressional leaders outlining their concerns about funding for national parks. I ask that their letter be made a part of the record. It reminds us that in addition to their importance to the American way of life and experience, national parks are economic engines that support a quarter million American jobs and contribute some $30 billion to the national economy annually.

It appears that national parks have no choice but to weather these cuts this year, but it is clear that many of the ways in which savings are being found are not sustainable. Half of the savings is through attrition; but as many superintendents have acknowledged, operating a park with insufficient staff can be managed in the short term, but the strategy cannot be sustained over the long run. As you begin to deliberate on FY14 funding, we should be clear that if these cuts are sustained for any amount of time, we will begin to see more significant damage to resource protection, as well as visitor services. Without some relief, less costly—but needed—

maintenance will go undone, leading to much more costly repair needs over the long term. You can delay changing the brake pads on your car for a year; however, eventually you will not only have to replace the pads but the rotors as well because they've become damaged for lack of maintenance, costing more in the long run and compromising safety in the meantime.

Of course, there are impacts from cuts to all the accounts, not just park operations. The loss of 70% of the construction budget over the last decade in today's dollars is leading the deferred maintenance backlog to approach $12 billion, with no relief in sight. Historic grant programs have been substantially reduced over the years, compromising opportunities to protect and interpret our unique and important American story, and undermining opportunities for heritage tourism. The Land and Water Conservation Fund has been suffering setbacks despite its importance as a conservation tool.

Mr. Chairman, we are doing more than complaining about budget reductions. Looking toward the Centennial of the National Park System in 2016, last month we helped convene a symposium hosted by the respected Bipartisan Policy Center to discuss creative ideas for supplemental funding sources for the Park Service. We realize the fiscal climate will continue to be challenging and that no stone should be left unturned in securing the resources the parks need. We will be focusing on implementing a handful of the most promising of these ideas to supplement—but not replace—appropriations. In the meantime, though, the parks are losing ground.

This subcommittee has a long history of engagement with NPS fee revenue, having been active in the formulation of Fee Demo and the Federal Lands Recreation Enhancement Act (FLREA). Without congressional action, FLREA, along with the NPS's authority to retain fees, will expire next year. It is imperative that fee retention authority not be allowed to expire, and NPCA looks forward to working with the subcommittee and with the authorizing committees to reauthorize and improve this important legislation.

Restructuring national park fees is one of several supplemental funding ideas that we are exploring. With a decline of the park service budget since FY02 of now 22% in today's dollars, parks desperately need fee dollars in addition to every penny this subcommittee is able to provide.

From what I have seen of the president's budget so far, it appears to be an important step in the right direction, yet not enough to meet the needs of park base operations. The budget very importantly would undo the sequester and provide a modest $57 million above FY12 in overall discretionary funding for the National Park Service. However, the proposal provides for some important priorities reflected by this increase in part through reductions to park base operations, with a total loss of nearly a hundred full time positions in the operations account. When parks already went into the sequester insufficiently staffed, we find this a troublesome continuation of

the decline of park base operations that cannot be sustained without impacts to park resources and visitors.

Our national parks have been called the envy of the world, preserving our uniquely American history in places as diverse as the Everglades and the Statue of Liberty, Independence Hall and Yellowstone. These are extraordinarily special places that provide opportunities for our children and grandchildren to learn about what it means to be an American and to be awed by a glacier or a geyser, or simply to sit with their families and watch deer saunter by. We have a fundamental responsibility to care for them, to hand them down to the next generation in at least as good a shape as we found them on our watch. The continuing decline in national park budgets and other discretionary spending—which is not really providing the long-term budgetary relief the times demand —threatens our ability to carry out this national responsibility.

We hope to work with you to identify ways in which we can be helpful in this climate that we understand is challenging for the committee. We hope that together we can identify a way to prevent our national parks from becoming a casualty of a broken budget process.

Again, thank you for the opportunity to testify. I'd be happy to answer any questions you or other members of the subcommittee may have.

Mr. SIMPSON. Thank you. I appreciate it. James, you are up.
Mr. OGSBURY. Thank you.
Mr. SIMPSON. The Western Governors' Association.

WEDNESDAY, APRIL 17, 2013.

WESTERN GOVERNORS' ASSOCIATION

WITNESS

JAMES OGSBURY

Mr. OGSBURY. Yes, sir. Chairman Simpson, Ranking Member Moran, my name is James Ogsbury. I am the Executive Director of the Western Governors Association. As the former clerk of the House Energy and Water Subcommittee, I have sat through innumerable appropriations hearings, and I have incarnadine countless appropriations requests, and I always thought that I would never want to participate in such a hearing from this side of the table but here I am and I am honored to appear before you to briefly summarize my written testimony.

The WGA is an independent and nonpartisan organization that represents the interests of the governors of the 19 westernmost states and three U.S.-flag islands. For the past several years, WGA has partnered with the federal government to develop statewide GIS mapping tools to identify crucial habitants and migratory corridors. The funding provided by this subcommittee has helped support development of these geospatial mapping, tools which will provide access to credible, broad-scale scientific data compiled and analyzed by the states for use in public land management and in the preplanning stages of development projects such as transmission lines and renewable-energy projects, transportation projects and conservation initiatives.

Several western states, including Arizona, California, Montana, Washington and Wyoming have developed and deployed wildlife tools with federal funding assistance and the coordination of the Western Governors' Association through our Western Governors' Wildlife Council, an arm of WGA. WGA is currently developing a West-wide GIS mapping tool called, CHAT, Crucial Habitat Assessment Tool. This tool will knit together the efforts of the various states for presentation of wildlife data and analysis on a regional landscape level. The CHAT tool will be unveiled in December of this year.

WGA is not appearing today to request additional funds. Rather, we respectfully urge the committee to exercise its oversight responsibility to ensure a maximum return on the federal investment to date. Specifically, we are seeking a directive from the committee to land management agencies within its jurisdiction to use state fish and wildlife data and analyses to inform the land-use land planning and related natural-resource decisions of those agencies.

It is appropriate that federal agencies use the state tools developed in part with funding provided by this committee for several reasons. First, state fish and wildlife agencies possess the primary trust and legal obligations to manage fish and wildlife in the United States. Consequently, they are by necessity and tradition

the most reliable compilers and analysts of data and information on fish and wildlife species and habitats. Second, such use would avoid duplication of effort, make more efficient use of limited state and federal resources, and ensure complementary and compatible end products. Third, the taxpayers will realize a significant return on their investment only if the tools they have purchased are put to good use.

The WGA and the Western Governors' Wildlife Council have developed strong relationships with our federal partners. We appreciate, for example, the leadership of the Bureau of Land Management and the U.S. Forest Service and sent correspondence to agency field offices to urge the use of state data. Nevertheless, the federal commitment to use statewide wildlife data is one, inconsistent across agencies, two, tenuous and depending on the predilections of individual agency officials, and three, largely based on a 2009 memorandum of understanding, which is scheduled to expire in June.

Before I conclude, I want to emphasize the CHAT and the statewide tools are not intended for regulatory purposes. They do not replace the more localized site-specific information required for project-level approvals. Rather, they provide landscape level wildlife information across political boundaries in the West. They represent a powerful tool for the public planners and government to evaluate potential projects and land uses at the very earliest stages of planning.

Thank you very much for your consideration and the opportunity to testify today.

[The statement of James Ogsbury follows:]

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

State Wildlife Data and Its Use by Federal Land Management Ageneies
Testimony of James D. Ogsbury, Executive Director
Western Governors' Association
April 17, 2013

Mr. Chairman and members of the Subcommittee, thank you for inviting the Western Governors' Association (WGA) to testify today. My name is James D. Ogsbury and I am the Executive Director of the WGA. Earlier in my career, I was a staff member of this upstanding committee so I am especially honored to be appearing before you today.

The WGA is an independent, non-partisan organization of Governors from 19 Western states, two Pacific-flag territories and one commonwealth. The WGA provides strong multistate leadership in an era of critical change in the economy and demography of the West. The WGA recognizes that many vital issues and opportunities shaping our future cross state lines and are shared throughout the West. Western Governors are therefore working together to identify and address key policy and governance issues.

The Western Governors' Wildlife Council and Crucial Habitat in Western States

State wildlife agencies are the vested constitutional authorities on wildlife in the United States. Federal agencies, other state agencies, local governments, tribes, conservation groups, businesses – even other countries – look to state fish and wildlife agencies for accurate data and information on fish and wildlife species and habitats. These "customers" need to know which species are most important, where their habitat is located, what habitat is needed to maintain movement across the landseape, and how species should be managed and conserved. This information is vital to help communities and states grow, develop resources and to allow citizens to recreate in accord with our environment.[1]

In 2008, the WGA established the Western Governors' Wildlife Council to identify key wildlife corridors and crucial wildlife habitats[2] in the West, and to develop and coordinate policy options

[1] Up-to-date information on wildlife habitat also helps states to foster hunting, fishing and wildlife viewing. Wildlife is not only important to the heritage and history of the West, but it is also an important economic contributor to the region. Recent studies indicate that wildlife-related activities generate over $65 billion annually in 19 western states. See, "Sportfishing in America: An Economic Force for Conservation," American Sportfishing Association (January 2013); "Hunting in America: An Economic Force for Conservation," National Shooting Sports Foundation/Association of Fish and Wildlife Agencies (January 2013); "Wildlife Watching in the U.S.: The Economic Impact on National and State Economies in 2006," U.S. Fish and Wildlife Service Pub. 2006-1.

[2] Crucial habitat as used by the Western Governors' Wildlife Council should not be confused with the legally defined "critical habitat" designation. Critical habitat is determined by the U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration's National Marine Fisheries Service to be habitat necessary for conservation of a species listed under the provisions of the Endangered Species Act. The Western Goveruors' Wildlife Council's definitions and categories of crucial habitat are set forth in the Council's White Paper that can be located at http://www.westgov.org/initiatives/wildlife in the Background section of that web page.

and tools to conserve these landscapes. To accomplish this objective, the Wildlife Council has led the development of user-friendly online tools that display crucial habitats for fish and wildlife in the states. These tools range from state-specific sites, such as Arizona's HabiMap ™, to species-specific efforts, like the Southern Great Plains Crucial Habitat Assessment Tool that focuses on Lesser Prairie Chicken habitat across five states.[3] These websites contain GIS-based information for use by all government agencies, industries and the public to assess landscapes and better inform land use decisions.

This data provides users with a greater level of informational certainty for pre-planning efforts, leading to fewer conflicts and development surprises with respect to fish and wildlife values. As a result, analyses of energy, transmission, land use and transportation projects -- as well as land conservation and adaptation strategies -- are improved by providing prioritized information through state-specific tools. A West-wide Crucial Habitat Assessment Tool (CHAT) will be publically available in December 2013. It will compile compatible information from 17 states to display a regional picture of habitat for multiple species of fish and wildlife and corridors that support these species.[4]

In a time of fiscal austerity, western states are making significant investments of diminishing public resources to develop these tools, in concert with federal partners, because of the critical need to help shape state and national conservation priorities. Federal and states agencies are looking for collaborative, data-driven science, mapping and analysis to address the West's landscape challenges, including potential listing of species such as the greater sage-grouse, as well as climate adaptation, water, and energy. At the same time, providing these data and maps - in one place - offers industry and the public analytical tools and information that are efficient, effective and not otherwise available to them.

The Use of State Wildlife Data by Federal Land Management Agencies

A WGA policy resolution is guiding the Western Governors' Wildlife Council's work to make information on important fish and wildlife habitat compatible across 17 states and, available for use by decision makers across the West. In part, the resolution states as follows:

> The Governors encourage widespread use of these systems as they are developed. Decision makers at all levels in the public and private sectors should use state wildlife [data] to better inform planning and to evaluate a variety of land uses while providing healthy and productive landscapes. The utilization of these systems will enhance coordination with states in the development of all land planning decisions affecting wildlife. In particular, federal agencies should be required to consult state wildlife [data]

[3] The state websites include: Arizona: HabiMap™ Arizona; California: Areas of Conservation Emphasis (ACE-II); Montana: Crucial Areas Assessment and Planning System (CAPS); Washington: Priority Habitats and Species (PHS); Wyoming: The Wyoming Interagency Spatial Database & Online Management (WISDOM) System; and in the Southern Great Plains states of Colorado, Kansas, Oklahoma, Texas, and New Mexico: The Southern Great Plains Crucial Habitat Assessment Tool.

[4] The states of Hawaii and North Dakota are not yet participating in this WGA initiative. Texas data on the Lesser Prairie Chicken from the five-state Southern Great Planes CHAT will likely be integrated into the region wide CHAT.

> and integrate appropriate information early into their planning processes, particularly those involving land management, energy/transmission or transportation planning. Use of state wildlife [data] should also occur amongst all state agencies and local governments.[5]

To advance the efforts of the Council, and to facilitate federal support and coordination, Western Governors signed a Memorandum of Understanding with the Secretaries of the Interior, Energy and Agriculture in June 2009.[6] WGA subsequently received U.S. Department of Energy funds to launch pilot studies to advance CHAT development. The Bureau of Land Management (BLM), the U.S. Forest Service (USFS) and the U.S. Fish and Wildlife Service (USFWS) have provided resources to WGA to coordinate this effort and/or to state wildlife agencies directly to support state-specific efforts to improve fish and wildlife data for public display. The WGA is very appreciative of this federal support. It has been instrumental in our success to–date, as has been the substantial resources, expertise and dedication put forward by Western states' wildlife agencies' leadership and staff.

Western Governors Urge Congress to Require Federal Use of State Wildlife Data

In order to make good on this substantial state and federal investment, and to assure that federal land and species management operations are efficient, non-duplicative and based on accurate information, this Committee should ensure that the use of state data becomes an ongoing part of the procedure and culture of federal land managers, and an integral tool for informing their decision making. As demonstrated by the WGA-DOE/DOI/USDA 2009 MOU, set to expire shortly, and a follow-up agreement to the MOU signed between WGA and DOI/USFS officials in 2011,[7] there has been high-level federal support for making use of state wildlife data. Congressional direction would be consistent with this stated federal agency intention.

To their credit, both the BLM and USFS have sent correspondence to their field offices to urge the use of state data.[8] These documents are, in the short–term, likely to encourage field-level use of state data and consultations with state wildlife staff. Yet, these types of communications are unlikely to create a permanent obligation in the federal agencies as leadership changes and staff turns over. States can continue to seek federal agency collaboration over the long-term on a forest-by-forest and office-by-office basis, but a legislative statement on this topic would have greater staying power and would go far in making sure that federal agencies base their regulatory decision making, in part, on the data and expertise of state wildlife agencies.[9]

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[5] WGA policy resolution 10-10, *Conserving Wildlife Corridors and Crucial Wildlife Habitat in the West*, can be found at: http://www.westgov.org/policies

[6] See, www.westgov.org/initiatives/wildlife. The web page Background section has links to referenced documents.

[7] See, www.westgov.org/initiatives/wildlife. The "Background" section of this web page links to referenced documents.

[8] See, www.westgov.org/initiatives/wildlife. On the "Crucial Habitat Assessment Tools" page, there are links to these federal documents under "CHAT in Use."

[9] Another issue for states, although not addressed in this testimony as it is not pertinent to this committee, involves state and federal jurisdiction over wildlife matters. Federal agencies are now evaluating western lands using a landscape-scale approach through Landscape Conservation Cooperatives and a Surrogate Species initiative,

This Committee previously provided important direction to federal agencies in a somewhat analogous manner to that being requested in this testimony regarding state fish and wildlife data. After catastrophic wildfires swept across the West in the summer of 2000, Western Governors immediately began working with the Secretaries of the Interior and Agriculture to develop a 10-year strategy on forest health and wildfire. This Committee understood the value of a collaborative state-federal approach to improve forest health across Western lands, and legislated the following:

> The Secretaries should also work with Governors on a long-term strategy to work on the wildland fire and hazardous fuels situation as well as the needs for habitat restoration and rehabilitation in the Nation. The managers expect that a collaborative structure, with the states and local governments as full partners, will be the most efficient and effective way of implementing a long-term program.
>
> The managers are very concerned that the agencies need to work closely with the affected states, including Governors, county officials and other citizens. Successful implementation of this program will require close collaboration among citizens and governments at all levels . . . The managers direct the Secretaries to engage governors in a collaborative structure to cooperatively develop a coordinated, National 10-year comprehensive strategy with the states as full partners in the planning, implementation and decision-making of the plan. Key decisions should be made at local levels.[10]

This direction from the Committee provided important additional impetus to the efforts of the Governors and Secretaries to create an "all lands" approach to forest health and wildfire. That Congressional directive is still bearing fruit today, ensuring strong federal-state collaboration. The Governors believe comparable direction is now required from this Committee to the land management agencies within the Department of the Interior and Agriculture to help create a long-term and cost effective federal partnership with state wildlife agencies. Congressional direction would, in effect, not just highlight the state-federal agreements reached so far, but memorialize those relationships, thus ensuring that all federal land managers work closely with state wildlife officials to use the high quality data states have developed.

Conclusion

The substantial public investment in advanced state wildlife data deserves to be maximized. Direction from this Committee will result in budgetary savings and better service to the public. Thank you again for inviting the Western Governors' Association to testify today.

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supported by the USFWS and through BLM's Rapid Ecological Assessments. These initiatives encompass non-federal lands where state wildlife jurisdiction is paramount and federal lands where states have authority over almost all species.

[10] Conference Report 106-914 that accompanied HR 4578, pages 193-194, 106th Congress; 2d Session (2000).

Mr. SIMPSON. Thank you. I thank all of you for your testimony. Obviously, outdoor recreation is important not only in Idaho but all across the country. I mean, it is why we live in Idaho

Mr. OGSBURY. That is right.

Mr. SIMPSON. It is because we like our public lands and the ability to use our public lands, so I appreciate your testimony.

I see that the director of the Park Service took a beating yesterday pretty much from the Government Reform and Oversight Committee, and I think the genesis of that was that he was overstating—the belief that he was overstating the effects of sequestration would have. Frankly, I do not think he was. In Wyoming, as you know, they were not going to plow the road to open Yellowstone, and you talk about realization of how important that is, is the local chambers and commerce and businesses that got together and raised the money to plow the road at its normal time because they realize its importance to their businesses to get Yellowstone open.

I was disappointed to see the—I do not want to use the word "abuse" but maybe I will—the difference of opinion that was expressed in the committee. I understand he had a pretty tough go of it.

My other fear is that of the white papers that were presented. I think it is important to do that. I hope Congress does not look at it as a way to supplant funding from this committee for our national parks. It is a way to augment it, not to supplant it, but I am fearful that as we get in tougher and tougher budgetary times that that might be the effect of it, but I do think it is important that we look at additional ways to augment the funding of the national parks. They are obviously, you know, America's best idea and crown jewels and all that has been said about them.

Mr. KIERNAN. If I can just say, thank you very much. I fully agree with both points, and I appreciate you making them. I will just observe that we are seeing or sensing in park after park situations like Yellowstone at a smaller scale for the less known parks but a similar situation where the impacts are significant to a very small community but very real impacts throughout the country.

Mr. SIMPSON. Jim.

Mr. MORAN. Well, I appreciate your mentioning Darrell's performance yesterday. It was an attempt to intimidate the Park Service director. It is unfortunate. I do agree with you that these sequestered cuts are real, particularly the manner in which they are supposed to be effected. That is the problem. But it is neither of these three folks that caused the problem. Maybe we need to take it up with our colleagues, but we appreciate your coming forward and also tying the importance of the parks together for all of the country.

Mr. SIMPSON. Well, the other thing is that Members of Congress, committees request information, and you got a sequestration that is affecting an agency's ability to do their job because, I mean, it is less people and et cetera, et cetera, and then we request more and more information from them so they have to take people off of what they are supposed to be doing to answer all these requests for reports and information. It is a tough situation. I understand why Members of Congress sometimes think the Administration,

whether it is Republican or Democrat, does not respond to their requests but sometimes we have to be a little more cognizant of the impact of what our requests are going to have on agencies and their ability to accomplish them and still do the job we have asked them to do.

Anyway, I appreciate all of your testimony, and we will certainly look at the requests of the Western Governors' Association and their CHAT program. Appreciate it. Thank you.

Next we have Elizabeth, Jim and Thomas. You all know who you are. Elizabeth, you are first.

Ms. HUGHES. Oh, I am first?

Mr. SIMPSON. Yes.

WEDNESDAY, APRIL 17, 2013.

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

WITNESS

ELIZABETH HUGHES

Ms. HUGHES. Well, thank you, Mr. Chairman. I am Elizabeth Hughes, President of the National Conference of State Historic Preservation Officers and the Maryland Deputy State Historic Preservation Officer, or SHPO, for short.

On behalf of Jan Gallimore, the Idaho SHPO, and Kathleen Kirkpatrick, the Virginia SHPO, and the SHPOs all around the country, I would like to thank you, Chairman Simpson, Ranking Member Moran and members of the subcommittee for your support of SHPOs and the opportunity to testify today.

You have heard quotes from Hamlet and references to Thoreau. I am here to tell you, I like to shop, not just any kind of shopping. It is the thrill of the sales rack, the siren song of the deep discount that makes my heart race and my husband's blood pressure rise. Based on my professional expertise as a bargain hunter, I can tell you that 40 percent off is a very good deal. A 40 percent discount is exactly what you are getting with state historic preservation offices.

We are a genuine good deal and an outstanding example of federalism. How? The National Historic Preservation Act sets policy in the states through the SHPOs administer the program which has flourished for the past 47 years. States do most of the work in administering the National Historic Preservation program for the Department of the Interior and the Advisory Council on Historic Preservation for only 60 percent of the cost. In this area of tight finances, I am sure you can appreciate the advantages of our model program's cost-sharing structure.

One of the responsibilities of SHPO offices is to comment on federal undertakings. Each year, SHPOs are responsible for reviewing over 250,000 cases and meeting a 30-day review deadline. Given our current funding, and in order to stay aligned with the direction of Congress, please know that we are doing our part to increase federal efficiencies and encourage streamlining. At least 100,000 of these cases are now handled through sub-agreements with various

federal agencies designed to increase efficiencies, exempt routine activities and allow for standard treatments without burdensome review.

Despite these efficiencies, it still requires resources to make those agreements happen. In a recent federal highway study, the North Carolina Department of Transportation stated, "The biggest problem in expanding streamlining program has been funding and staffing, especially at the SHPO. They do not have the staff and resources for digitizing records for the remainder of the state. The model, therefore, has not been expanded." And according to the Oregon Department of Transportation, the Oregon SHPO, like most SHPOs across the country, is understaffed and does not have the resources to fulfill their National Historic Preservation Act responsibilities and fully participate in programs like Oregon's collaborative environmental and transportation agreement for streamlining. Providing $50 million to state historic preservation offices would help ensure that streamlining moves full speed ahead.

In addition to project reviews, another major responsibility of SHPOs is conducting 90 percent of the work of the Federal Historic Preservation Tax Credit program, a program that created $3.15 billion in private investment and nearly 58,000 jobs last year alone.

I want to share with you a set of pictures, if I may. These pictures show the rehabilitation of a historic site in Raleigh, North Carolina, that was devastated by fire. The first picture shows everyone involved in this project. These are the faces, maybe I should say the incarnadine faces, of historic preservation rehabilitation projects all across the country. These are the faces of preservation projects. They include contractors, plumbers, the architect, electricians, painters, masons, and the list goes on. These are the hardworking folks that help bring history back to life. Because of your support of the Historic Preservation Fund, not only do we save the places that matter, these folks have jobs and can take care of their families. They contribute to the economy by buying clothes, groceries and even by going on vacation, and remember, it is still a great bargain at 40 percent off.

Speaking of vacations, heritage tourism has a huge impact on our Nation's economy. In 2010, a Department of Commerce survey of international visitors' activities found that touring America's historic sites was much more popular than touring America's national parks. It is the SHPOs who assist these non-federal sites and work with local communities to help maintain, rehabilitate and use their historic assets and resources, and we do this on a shoestring budget of less than 50 million federal dollars, a small fraction of the Park Service's $2.6 billion budget.

SHPOs exist to serve all Americans. However, a recent review of the national register found that only about 10 percent of listed resources represent significant American populations such as Latino and Asian Americans and their histories.

With that in mind, we also strongly support the $3 million proposed by the Administration for a focused initiative to survey and nominate historic sites associated with underrepresented populations to the National Register of Historic Places.

State offices like mine are lean operations. Your 60 percent is essential to our success. In 2016, we will be celebrating the 50th an-

niversary of the National Historic Preservation Act. NCSHPO looks forward to working with you and the committee over the next several years to help recognize this landmark piece of legislation that has revitalized communities, created American jobs and preserved the irreplaceable sites and landscapes of America's past. Thank you.

[The statement of Elizabeth Hughes follows:]

NCSHPO
National Conference of State Historic Preservation Officers

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

April 10, 2012

Fiscal Year 2014 Request:

- $50 million for State Historic Preservation Offices (SHPOs)
- $3 million for a competitive grant program for underrepresented populations

Funded through withdrawals from the Historic Preservation Fund (16 USC 470*h*) U. S. Department of the Interior's National Park Service Historic Preservation Fund (HPF).[1]

SUCCESS - Federal-State Partnership

In 1966 Congress, recognizing the importance of our heritage enacted the National Historic Preservation Act (NHPA16 USC 470), which established historic preservation as a priority of the federal government. Recognizing that States are the experts of their own history, instead of using federal employees to carry out the Act, the Department Of Interior and the Advisory Council on Historic Preservation partner with the States and use SHPOs to: 1) locate and record historic resources; 2) nominate significant historic resources to the National Register of Historic Places; 3) foster historic preservation programs at the local government level and promote the creation of preservation ordinances; 4) provide funds for preservation activities; 5) comment on federal preservation tax projects; 6) review all federal projects for their impact on historic properties; and 7) provide technical assistance to federal agencies, state and local governments and the private sector. And, States contribute to the federal government half the operating cost.

SUCCESS - Streamlining

Federal, state, and local government agencies are working hard to deliver projects more quickly and efficiently, and for less cost – also known as streamlining. A popular buzz word, State Historic Preservation Offices have been streamlining and enacting increased efficiencies in historic preservation reviews (known as Section 106 reviews under the National Historic Preservation Act) for decades. Last summer the Federal Highway Administration (FWHA) released a report entitled "Effective Practices for Considering Historic Preservation in

[1] The NCSHPO also supports the Tribal Historic Preservation Officer's FY14 request of $9.985 million.

Transportation Planning and Early Development."[2] The report highlights innovative programs that enable State Department of Transportation and local transportation planning organizations to streamline their compliance with Section 106 while simultaneously improving their stewardship of historic resources.

A common theme woven throughout the case studies was the importance of State Historic Preservation Offices. The HPF provides SHPOs the resources that makes innovation and increased efficiencies possible! The HPF (and lack thereof) provides the SHPO's staff, data, technology, and training resources necessary for success but challenges remain:

- Colorado DOT – "The SHPO understands and supports what CDOT is trying to do through the Planning and Environmental Linkages program; however, the SHPO currently does not have the staff or resources to actively participate....From CDOT's perspective, the SHPO's involvement contributes to a better working relationship between their respective offices."
- Minnesota DOT – "The Minnesota SHPO supported the modeling effort and participated in a steering committee establishing the model. The SHPO also agreed to using the model to determine where and how archaeological surveys would be conducted...The SHPO and the Minnesota State Archaeologist do not have the computer capabilities to use the model within their offices. MnDOT has to provide printouts to the SHPO and State Archaeologist when using the model for Section 106 consultation on a specific project."
- North Carolina DOT – "The biggest problem has been funding and staffing, especially at the SHPO and OSA. They currently do not have the staff or resources for digitizing records for the remainder of the State. The model, therefore, has not been expanded beyond the initial seven-county area."
- Oregon DOT – "Part of the problem is SHPO staffing. The Oregon SHPO, like most SHPOs across the country, is understaffed and does not have the resources to fulfill their National Historic Preservation Act responsibilities and fully participate in programs like CETAS."
- Texas DOT – "The participation of all the resource agencies, including the SHPO, was critical to the initiative's success. CAMPO's partners provided important sources of GIS environmental data, such as the TxDOT's GISST database and screening tool."

SUCCESS - Job Creation & Economic Development

Job Creation

Historic preservation creates jobs. Whether it is through the historic tax credit program, preservation grants, or other rehabilitation avenues, preservation creates skilled, principally local, jobs. The following are excellent examples of how historic preservation creates jobs and job training:

- In 2012, the private investment in the approved and completed projects totaled $3.15 billion and averaged 77 jobs per project.[3]

[2] "Effective Practices for Considering Historic Preservation in Transportation Planning and Early Project Development." National Cooperative Highway Research Program Project 25-25, Task 49. Prepared by Cambridge Systematics, Inc. with the SRI Foundation. August 2009

[3] "Federal Tax Incentives for Rehabilitating Historic Buildings – Statistical Report and Analysis for FY2012" National Park Service

- When compared to new construction, $1 million spent to rehabilitate a building will create 5-9 more construction jobs and 4.7 new jobs will be created elsewhere in the community.[4]
- In California $1 million of rehabilitation creates five more jobs than manufacturing $1 million worth of electronic equipment. In Oklahoma $1 million of rehabilitation creates 29 more jobs than pumping $1 million worth of oil.[5]

Economic Development

From Rupert, Idaho to the many historic neighborhoods in St. Paul, Minnesota, historic preservation plays a key role in creating, maintaining, and growing these communities while preserving their historical significance. The Federal Rehabilitation Tax Credit program is an important driver in economic development. The program benefits communities by:

- Increasing the value of the rehabilitated property returning vacant or underutilized structures to the tax roles.
- Encouraging protection of landmarks through the promotion, recognition, and designation of historic structures, and acting as a catalyst for further community renewal.
- Upgrading downtowns and neighborhoods and often increasing the amount of available housing within the community.

Heritage tourism also creates jobs, new businesses, builds community pride and can improve quality of life. SHPOs are essential, ground level partners in identifying historic places and providing research for tourism interpretation. A 2010 U.S. Cultural & Heritage Tourism Marketing Council study found that:

- Two-thirds of cultural and heritage travelers visited some sort of historic site.
- 65% of cultural and heritage travelers seek travel experience where the "destination, its buildings and surroundings have retained their historic character."
- Other cultural and heritage activities include: visiting historic sites (66%), attending historical re-enactments (64%), visiting a state or national park (41%), shopping in museum shops (32%), and exploring urban neighborhoods (30%).
- Cultural and heritage travelers spend about $994 per trip compared to $611 spent on the average U.S. trip.
- 45% spend more of their money on cultural and heritage activities than they do on anything else while on their trip.
- 37% would pay more for lodging if it somehow reflects the culture or heritage of the destination they are visiting.

SUCCESS - Saving America's Heritage

Preservation in part recognizes the significant places in American history at the local, state and national levels through creating historic districts and listing resources on National and State Historic Registers. State Historic Preservation Officers, through the authority of the National Historic Preservation Act are there to assist, support and encourage communities with their efforts. National Register recognition by the Secretary confirms citizens' belief in the

[4] ***The Economics of Rehabilitation***, Donovan Rypkema
[5] *The Economics of Historic Preservation*, Rypkema 1998:13

significance of their community. That recognition, in turn, builds stable, livable neighborhoods such as Pocatello, Idaho and Ithaca, New York. Best of all, this neighborhood improvement comes from individual, private investment, not from federal programs.

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

To that end, the NCSHPO supports the $3 million request in the President's FY14 Budget for a competitive grant program to survey and nominate to the National Register of Historic Places or National Landmark Program, sites associated with populations that are currently underrepresented. The best part – *NO FEDERAL ONGOING RESPONSBILITY!*

2012 State Historic Preservation Offices' Accomplishments
SHPOs used their HPF allocations well in 2012. While virtually every state continues to experience staffing and operation reductions, SHPOs are still charged with implementing the requirements of the NHPA to the fullest extent. Highlights of 2012 historic preservation accomplishments include:

- Reviewing nearly 142,000 Federal undertakings within 30 days
- Leveraging over $3.15 billion of private investment in the rehabilitation of commercial historic properties under the Federal Rehabilitation Tax Credit (FRTC) program.
- An estimated 57,783 jobs created by the FRTC program in 2011.
- 6,366 low and moderate income housing units created through the FRTC.
- Approximately 20.9 million acres surveyed for the presence and *absence* of cultural resources and over 610,860 properties evaluated for their historical significance.
- 1,179 new listings in the National Register of Historic Places.
- 104,813 National Register eligibility opinions.
- 42 new communities became Certified Local Governments (CLGs).
- Under local law, CLG's newly designated 101,000 properties, and 74,500 properties took part in local preservation review, programs, and incentives.

Conclusion

On behalf of all 57 SHPOs, I'd like to thank you Chairman Simpson, Ranking Member Moran, and members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to submit testimony.

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

Mr. SIMPSON. Jim.

WEDNESDAY, APRIL 17, 2013.

CIVIL WAR TRUST

WITNESS

JIM LIGHTIZER

Mr. LIGHTIZER. Mr. Chairman, Ranking Member Moran, I am Jim Lightizer with——

Mr. MORAN. Great to see you again, incidentally, Jim.

Mr. LIGHTIZER. Nice to see you, Congressman. I am Jim Lightizer with the Civil War Trust, and I am here in support of full funding for the Civil War Battlefield Preservation program. Having said the words "full funding", I recognize you guys are up against it, and this committee has been very generous to us over the course of the years, so I thank you, and I know you do right by us.

You gentlemen are very familiar with this program. You know, it is a one-to-one match. It requires a dollar from outside of the federal government to match the federal government dollar. Most of that comes from the private sector, most of it from my organization, the Civil War Trust.

Just one little statistic that I think you might find interesting. Over the 118 years that the United States government has been preserving Civil War battlefields, they have saved about 73,000, 74,000 acres out of hundreds and hundreds of thousands that probably should be saved. In the last 13 years, the Civil War Trust has saved north of 35,000 acres. So we have done in less than a decade and a half nearly 50 percent of what the government did itself over the course of 118 years. So this program has added value. It has saved directly about 19,000 of that 35,000 acres. It has a huge impact on it.

This is the sesquicentennial. This is our national heritage. You gentlemen know that. If we do not save it, it gets paved over, and it is getting paved over at an alarming rate. So we are up against it timewise. We appreciate the funding you give us and we could tell you this group will use it wisely.

[The statement of Jim Lightizer follows:]

Testimony of O. James Lighthizer, President
Civil War Trust

Before the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
April 17, 2013

Introduction

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

The Civil War Trust is a 55,000-member nonprofit organization — the only national one of its kind — dedicated to preserving America's remaining Civil War battlefields. To date, the Trust has permanently protected more than 35,000 acres of hallowed ground in 20 states.

CWBPP is an authorized competitive matching grants program that requires a 1 to I federal/non-federal match, although on most occasions the federal dollars are leveraged much more than 1 to 1. The program has successfully promoted cooperative partnerships between state and local governments and the private sector to protect targeted, high priority Civil War battlegrounds outside National Park Service boundaries.

Battlefield Lands are Our Shared American Heritage

Civil War battlefield lands are an irreplaceable part of our shared national heritage. Preserving these hallowed grounds not only keeps our history alive, but honors the soldiers who made the ultimate sacrifice to create the country we are today.

However, the living history that these sacred sites represent is shrinking fast due to development, and we estimate that 30 acres of battlefield land are lost every day.

When preserved, battlefields serve as outdoor classrooms to educate current and future generations of Americans about this defining moment in America's history. Preserved battlefields are also economic drivers for communities, bringing in tourism dollars that are extremely important to state and local economies. When these hallowed grounds are lost, they are lost forever.

This hearing is especially timely because of the ongoing sesquicentennial commemoration of the Civil War, in which millions will learn about our nation's unique history by visiting Civil War sites around the country.

Origins of the Program

Since its inception, the Civil War Battlefield Preservation Program has focused on only the most historically significant battlefield sites, as determined by the Civil War Sites Advisory Commission's (CWSAC) 1993 "Report on the Nation's Civil War Battlefields." Congressionally authorized funding is for acquisition of properties outside NPS boundaries from willing sellers only; there is — and never has been — any eminent domain authority.

Since the program was first funded in FY1999, grants have been used to protect 19,000 acres of hallowed ground in 16 states. Among the many battlefields that have benefited from this program are: Antietam, Maryland; Averasboro, North Carolina; Chancellorsville, Virginia; Chattanooga, Tennessee; Gettysburg, Pennsylvania; Harpers Ferry, West Virginia; Mill Springs, Kentucky; and Prairie Grove, Arkansas.

Urgent Need for Funding

We thank the Subcommittee for its previous support for this valuable program. These funds have enabled private sector groups like the Civil War Trust to preserve many significant sites that would have been otherwise lost to history. We recognize that these are difficult economic times and appreciate the constraints on this Subcommittee. However, the current 150th anniversary of the conflict is the most opportune time to provide robust funding for the Civil War Battlefield Preservation Program.

We estimate that in the next decade, most unpreserved Civil War battlefield lands will be either developed or protected. With time rapidly running out to save these hallowed grounds, full appropriation of the Civil War Battlefield Preservation Program will enable us protect as many key battlefield lands as possible in the limited time remaining.

Conclusion

The Civil War was a defining moment in our country's history. For four long years, North and South clashed in hundreds of battles that reunited our nation and sounded the death knell for slavery. More than 625,000 soldiers and 50,000 civilians perished as a result of the war.

Protected battlefields not only honor the memory of our predecessors, but all of our nation's brave men and women in uniform.

Mr. Chairman, I sincerely hope you and your subcommittee will consider our request to provide funding of the Civil War Battlefield Preservation Program at its authorized level of $10 million. We look forward to working with you and other subcommittee members on battlefield protection. Thank you for the opportunity to address the committee.

Mr. SIMPSON. Appreciate it. Thank you.
Mr. LIGHTIZER. Thank you, sir.
Mr. MORAN. A man of few words but great deeds.
Mr. LIGHTIZER. Thank you, Jim.

WEDNESDAY, APRIL 17, 2013.

NATIONAL TRUST FOR HISTORIC PRESERVATION

WITNESS

THOMAS J. CASSIDY

Mr. CASSIDY. Mr. Chairman, Mr. Moran, my name is Tom Cassidy. I am the Vice President for Government Relations at the National Trust for Historic Preservation. At a time like this in the hearing, I kind of feel like it must have been when Mo Udall said that everything has been said but not everybody has said it. So bear with me.

We understand that we have got a very challenging fiscal environment. We appreciate that you guys know this much better than the rest of us do. One thing I would just emphasize is that as we look to dealing with the fiscal challenge that the Nation's preservation, cultural and recreation programs not take a disproportionate hit, and I would just like to highlight a few items in our written testimony.

As Elizabeth said, the Historic Preservation Fund is the principal source of funding to implement the Nation's historic preservation laws. I will not try to recast her excellent summary of what SHPOs do, but I would like to emphasize two things, though. One, the tribal historic preservation officers also receive funding through the Historic Preservation Fund, and we would recommend an increase just as the SHPOs are seeking, and we endorse their request for $50 million. The tribes should receive, we would recommend, an increase to $10 million. In part, that is simply based upon the increase of number of tribes that are participating in the program. Back in fiscal year 2012, there were 131 tribes. There will be an estimated 150 tribes in fiscal year 2014. And we would add our strong endorsement to the Administration's request for this new $3 million competitive grant program to increase the representation of underrepresented communities in both the national register and the National Historic Landmark program. It is just very, you know, important as a Nation that our protected places reflect the heritage of all of us, and we can improve how we do that.

I would like to take my remaining time really to address the long-term problems of inadequate funding for the cultural resources programs both for the National Park Service and for the Bureau of Land Management. Three-quarters of the 401 units of the National Park Service were created to protect our most important and historic cultural resources. Whether it is Gettysburg, Valley Forge, Minidoka National Historic Site, the Flight 93 National Memorial and new sites that have been created recently at Fort Monroe and also to recognize the contributions of Harriet Tubman and Cesar Chavez through the Antiquities Act. But the funding for cultural resources stewardship has not received the same level of

support as natural resources. In hearings back in fiscal year 2010, then-Acting NPS Director Dan Wing stated that the Park Service had been neglectful of cultural resources. When we look over the past 15 years, we have seen, largely due to the successful Natural Resource Challenge, and it is a great program. It has led to an increase of 31 percent in natural-resource funding for the parks but at the same time we have head a decline of 27 percent of cultural funding with big impacts on the FTEs who can go out there and do the work and interpret the resources for the American public. We need greater funding parity between these two sides of what the National Park Service does.

Tom Kiernan mentioned these white papers that are being created. This committee in fiscal year 2012 in your report recommended increased use of historic leasing as a means to address the maintenance backlog, and I would really encourage the committee to continue looking at that. There are great examples of how leases are being used to bring private capital into a park, whether it is in a place like Fort Baker out in the Golden Gate National Recreation or Little Montessori School up at Valley Forge that has taken over a building that was not being utilized.

Then with BLM, the Administration has been doing a good job recently of requesting increased funding for the cultural resources programs, and certainly BLM oversees the largest, most diverse and scientifically most important body of cultural resources of any federal land management agency and yet they only get 7 cents per acre and they have only surveyed about 8 percent of their resources, and without these adequate surveys, and certainly the SHPOs know this so well, you just cannot do the best planning to ensure that energy projects, transportation projects go in a way that can be described as streamlined, and Jim knows this too because he worked in the transportation department.

So thank you. I guess I am supposed to stop, so I shall.

[The statement of Thomas J. Cassidy follows:]

Statement of the National Trust for Historic Preservation
Fiscal Year 2014 Interior, Environment and Related Agencies Appropriation
Committee on Appropriations, U.S. House of Representatives
April 17, 2013

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to present the National Trust for Historic Preservation's recommendations for Fiscal Year 2014 appropriations. My name is Thomas J. Cassidy, Jr. and I am the Vice President for Government Relations and Policy. The National Trust is a privately-funded nonprofit organization chartered by Congress in 1949. We work to save America's historic places to enrich our future. With headquarters in Washington, D.C., 13 field offices, 27 historic sites, 746,000 members and supporters and partner organizations in 50 states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

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

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

The National Park Service distributes HPF grants that are matched by State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs). Inadequate HPF funding limits support for preservation activities such as survey, inventory, public education, and project review for the federal Historic Rehabilitation Tax Credit (HTC), State and Tribal Historic Preservation Plans, and the National Register of Historic Places. The HTC is the most significant federal investment in historic preservation. It has catalyzed the rehabilitation of more than 38,700 buildings throughout the nation. Since its creation more than 30 years ago, the HTC has created 2.3 million jobs and leveraged nearly $106 billion in private investment.

The National Trust and its preservation partners recommend at least $62.985 million for the Historic Preservation Fund, including $50 million for the SHPOs and $10 million for the THPOs. Such a modest increase in funding would recognize the continuing demand upon these agencies for preservation services, including an increase in participation among THPOs from 131 tribes in FY12 to an estimated 150 tribes in FY14.

We enthusiastically endorse the Administration's request for $3,000,000 for competitive grants for the survey and nomination of properties to the National Register of Historic Places and National Historic Landmarks associated with communities currently underrepresented. Recent

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studies have documented that fewer than 5% of such listings identify culturally diverse properties. This program would correct the underrepresentation of all the nation's stories.

We also look forward to working with the Committee to restore funding for competitive grant programs that protect our nation's most significant cultural artifacts and historic structures. The Save America's Treasures program, for example, had been one of the largest and most successful grant programs to preserve endangered and irreplaceable cultural heritage before funding was eliminated in the fiscal year 2011 budget.

National Park Service: Operation of the National Park System, Cultural Resources Stewardship
We appreciate the Administration's slight increase to this program over FY12 enacted levels. Three-quarters of the 401 units of the National Park System were created to protect our most important historic and cultural resources. Over the past two decades, the National Park Service (NPS) has added over 35 new parks, 8 of them during this Administration, which are predominantly cultural and historical in value. However, funding for cultural resources stewardship has not receiving support commensurate with natural resources stewardship. During the FY10 budget hearings, then Acting NPS Director Dan Wenk stated that NPS had been neglectful of cultural resources. A report of the National Academy of Public Administration found that during the FY99 – FY06 period the NPS bolstered stewardship of natural resources by an additional $77.5 million. However, during this same period, funding for park cultural programs *decreased* by 28 percent. Since the release of the NAPA report we have seen no significant effort by NPS to create funding parity between natural and cultural resources in the Park Base Operations Funding. And, although the FY13 budget requested an increase in natural resources stewardship, there was a reduction proposed for cultural resources. We look forward to working with the Committee to sustain an increase in funding for this program.

National Park Service: Facility Operations & Maintenance
Of the nearly $11 billion deferred maintenance needed for NPS, $3 billion is for the 27,000 properties in National Park units listed on the National Register of Historic Places. According to a report issued by the National Academy of Public Administration, *Saving Our History: A Review of National Park Cultural Resource Program (2008),* more than 40 percent of historic buildings and structures in our national parks are in fair or poor condition. Without funding, the condition of these properties will continue to deteriorate and become more expensive to repair and preserve in the future. Therefore, we recommend the Committee provide funding at the FY12 enacted level. The National Trust is conducting fundraising efforts to address the gap – most recently and successfully at White Grass Dude Ranch in Grand Teton National Park – but private money must be matched by federal money. Continued loss of federal maintenance money will reduce the opportunity to raise private funds for the preservation of these important structures.

We are concerned that any reduction in the line-item Construction account, most of which funds new construction, not adversely impact important rehabilitation of historic structures.

National Park Service: Leasing Historic Structures in National Parks
We appreciate the Committee's inclusion of language in the FY12 Conference report recognizing that historic leases provide a cost-effective and innovative solution to mitigate the maintenance backlog of historic structures. We are working with the NPS and private partners to successfully implement such leases and bring private investment to rehabilitation expenses. Further encouragement by the Committee to expand the use of historic leases could help catalyze broader use of this important authority.

One promising new and cost-effective opportunity for the NPS and other federal agencies with historic preservation responsibilities to address the backlog of historic maintenance in the parks is through the recently signed MOU establishing a new cooperative among NPS, the other federal land agencies, and several NGOs, including the Student Conservation Association and The Corps Network. College interns, trade school students, and out of work youth and veterans would be trained in the preservation skills necessary to perform preservation work in the parks and other federal lands.

National Park Service: National Heritage Areas
We recommend funding for National Heritage Areas (NHAs) at the FY12 enacted level or higher. The Administration's repeated proposals to reduce NHA funding, justified as "encouraging self-sufficiency," would severely impair the sustainability of the program and the individual NHAs that Congress has established. A recent NPS study found "without funding to replace the NPS investment, few NHAs are expected to survive longer than a few years." NPS Northeast Region, *Report of Impacts and Operation Strategy for Sunsetting National Heritage Areas (2012).*

During these challenging economic times, every program that receives federal funding needs to justify its worth and deliver substantial benefits to the American public. NHAs more than meet this test. In its 2013 report, the Alliance of National Heritage Areas noted that since the program was created in 1984, the economic activity generated through NHA's supports approximately 148,000 jobs and $1.2 billion annually in federal taxes. The economic benefits of NHA's are realized through tourism and visitation, operational expenditures, and issuing grants and support. NHAs on average leverage every federal dollar into $5.50 of additional public and private investment.

Bureau of Land Management: National Landscape Conservation System
The Bureau of Land Management's (BLM) National Landscape Conservation System (National Conservation Lands) includes 27 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.

The National Conservation Lands protect some of our country's most significant historical and cultural resources, yet the BLM's ability to steward these resources is undermined by insufficient funding, averaging $59.6 million, or just $2.20 per acre. The National Conservation Lands are just one-tenth of BLM managed lands but they host one-third of all BLM's visitors. This high visitation rate has resulted in increased needs to protect and steward historic and archaeological sites from looting and reckless off-road vehicle use. Without sufficient funding, the BLM also struggles to complete essential resource protection, such as signing trails, closing illegal and unnecessary routes, and inventorying and protecting cultural sites.

We support the Administration's FY14 request, a $6 million increase, in order to prevent critical damage to the resources found in these areas, ensure proper management and provide for a quality visitor experience. This funding level would enable BLM to hire essential management and law enforcement staff, monitor and protect natural and cultural resources, close unauthorized routes that fragment fragile ecosystems, and undertake needed ecosystem and species restoration projects.

Bureau of Land Management: Cultural Resources Management
We support the Administration's FY14 request of $16.329 million for this account, a slight increase over FY12 enacted levels. The BLM oversees the largest, most diverse, and scientifically

most important body of cultural resources of any federal land managing agency, including 21 National Historical Landmarks, 5 World Heritage Sites, and more than 263,000 documented cultural properties. However, BLM receives the least amount of cultural resources money per acre of any federal agency. In the 34 years since the enactment of the Federal Land Policy and Management Act only 9 percent of the land managed by the BLM has been surveyed for cultural resources. Understanding the location and significance of cultural resources on BLM land creates greater certainty in decision making about land uses including energy development, recreation, and resource protection. Proactive survey for cultural resources is also required under the National Historic Preservation Act. A long term goal of surveying 20 percent of BLM land would be a significant step towards helping our nation efficiently and cost effectively develop energy resources on our public lands.

Land and Water Conservation Fund (LWCF)
The National Trust supports robust funding for the Land and Water Conservation Fund. Many of the nation's most significant historic and cultural landscapes have been permanently protected through LWCF investments, including the Flight 93 National Memorial, Minidoka National Historic Site, Lewis and Clark National Historic Trail, Gettysburg National Military Park, Martin Luther King Jr. National Historic Site, Canyons of the Ancients National Monument, and Harpers Ferry National Historic Park. We strongly support the Administration's FY13 request for NPS Civil War Sesquicentennial Units and American Battlefield Protection Program Grants.

U.S. Forest Service, Recreation Heritage and Wilderness: Heritage Program

Forest Service lands contain an estimated 2 million cultural resource sites, including 27 National Historic Landmarks, 325,000 identified cultural resource sites and its first national monument designated primarily for its world-class cultural resources. The Forest Service has updated their performance measures that will now track the management of the entire program through seven new indicators instead of tracking individual assets. This will standardize the program and ensure program staff are working toward a common goal of promoting efficient and effective management of all heritage resources. As these new standards are implemented, we request the Forest Service integrate a needs assessment for bringing their assets to standard. To further understand the successes and needs of the program we request an annual reporting to Congress of the allocations, expenditures and accomplishments of the program by Region and National Forest levels within 12 months of the close of the fiscal year. Providing Congress and the public with a clear understanding of the fiscal needs for USFS heritage assets will assist potential partners determine where they can best engage with federal managers for the benefit of these irreplaceable resources.

Advisory Council on Historic Preservation
The National Trust supports the Administration's requested increase of funding for the Advisory Council on Historic Preservation (ACHP). In addition, we suggest the Committee include report language recommending the President appoint a full-time Chairman. Such a recommendation was made by the ACHP membership at its November, 2011 meeting, as did a task force of historic preservation organizations, including the National Trust. We believe a full-time Chairman would enhance the effectiveness of the ACHP.

Thank you for the opportunity to present the National Trust's recommendations for the FY 2014 Interior, Environment and Related Agencies appropriations bill.

Mr. SIMPSON. Well, I appreciate your testimony. Obviously you all do important work. Historic preservation is important. I would have to go to Europe or somewhere that has had a long history than we have had to realize that we are still a young country in historical terms, and we are still in a situation where if we do our job right, we can preserve a lot of our history where other countries sometimes have destroyed because they have not preserved it. So there is a lot we can do, and using some of those things that Mr. Moran mentioned earlier, what were those, earwigs or congressionally directed spending or earmarks or whatever, we have done some things in Idaho where we have preserved some old theaters and it has been amazing. If you go to Rupert, Idaho, a small town of probably 2,500, 3,000 something like that, it has a beautiful town square park and businesses all around it and stuff. It was actually getting rundown and they had the old Wilson Theater there that had been there for years and years, and they decided to rebuild it. Ninety percent of it is done by people in the community, volunteer work, raising money, all that kind of stuff. The federal dollars were just kind of the kick to get it going, and the first thing they did is rebuild the outside of it and stuff and just made it like it was back in the 1950s and 1960s. It was beautiful. And all of a sudden all the other businesses around there said gee, maybe we better redo our fronts, and the whole community changed because of the investment they made in rebuilding the Woodrow Wilson Theater, and I will tell you a funny story about it before I quit. I was in there one day and they were taking me around showing me everything they have done, and they were rebuilding the stage at the time, and this old guy, really old guy, was showing it to me. He said yeah, up in the dark corner, he said, that is where I met my wife when we were teenagers, and he said, one day there was these three kids that snuck a live chicken under their jacket and snuck it into the theater and took it up on the balcony and we were watching this horror movie or whatever. He said in the middle of it they threw that live chicken out there and he said, it just fluttered on the screen. Everybody started screaming and everything. He said you know who that kid was? I said who is that? He said Lou Dobbs. I had LaTourette when he was on a program with Dobbs bring it up and say tell the story about him.

Anyway, thanks for all you do. Historic preservation obviously is very important, and it is something that this committee takes very seriously.

Mr. MORAN. And all three are getting entrepreneurial. I mean, you are not just sitting back and waiting, asking for help; you are finding every possible way to innovate, to create, to bring in private-sector sources of funding and even to develop the capacity to bring in commercial revenue from some of these sites. I have been very much impressed. Thanks for taking the time to spend with us this morning.

Mr. SIMPSON. Thank you.

WEDNESDAY, APRIL 24, 2013.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—NATIVE AMERICANS

Mr. CALVERT [presiding]. The Committee will come to order. Subcommittee Chairman Mike Simpson is unable to be here today. My name is Ken Calvert, and I represent California's 42nd District. I will be chairing this morning's hearing, while my good friend, Tom Cole, will chair this afternoon.

Let me read Chairman Simpson's opening statement.

Good morning, and welcome to the first of four public witness hearings over the next 2 days, specifically, for American Indian and Alaskan Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today, and in the audience. You deserve be heard for more than 5 minutes we have allotted today, and I want you to know that you have an open invitation to call me and my staff directly so we can schedule more time outside of these hearings.

Despite a somewhat abbreviated hearing schedule this year, I am proud that this subcommittee is able to hold hearings on these very important programs. They have been and will continue to be a bipartisan funding priority for this committee.

The chair will call each panel of witnesses to the table, one panel at a time. Each witness will be provided for 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair requests that we keep these things moving in order to stay on schedule. The chair also wants to remind those in the hearing room that the Committee Rules prohibit the use of outside video cameras and audio equipment during these hearings.

Mr. CALVERT. So with that, thank you, and we are going to call up our first panel. I believe Mr. Moran will be here shortly also, but the first panel is Jefferson Keel, President of the National Congress of American Indians, and also—testifying twice, also for the Tribal Interior Budget Council, Cathy Abramson, Chairperson of the National Indian Health Board, Carmelita Skeeter, Executive Director of Indian Health Care Resource Center of Tulsa, Oklahoma. She will be speaking for the National Council of Urban Indian Health. Lloyd Benton Miller, Counsel for the National Tribal Contract Support Cost Coalition. Welcome.

And with that, Mr. Keel, we will recognize you for 5 minutes.

WEDNESDAY, APRIL 24, 2013.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JEFFERSON KEEL

Mr. KEEL. Thank you, and good morning, Mr. Chairman. I am honored to be here today on behalf of the National Congress of American Indians, and the Tribal Interior Budget Committee. I will make my remarks brief so that we can include all of those.

On behalf the National Congress of American Indians, I want to thank Chairman Simpson and Ranking Member Moran for listening to the voices of so many tribal leaders from across the Nation. The witness list is impressive. As we continue to fight to preserve treaty rights and tribal sovereignty, we urge you to continue to be guided by the solemn agreements made between our ancestors, and to take our current pleas to heart.

As Congress develops the fiscal year 2014 budget, we call on you to make investments in programs that fund trust and treaty obligations, support tribal self-determination, and promote economic recovery in Indian Country. You will hear very specific recommendations from the tribal witnesses here today, and our testimony addresses many programs in this bill.

I want to share with you the very dangerous threats to Indians self-determination, tribal economies, and well-being due to the reductions from the current sequester, and if the fiscal year 2014 Interior bill does not address some of those impacts.

This subcommittee knows that the sequester reductions and other cuts to tribal programs undermine Indian treaty rights and obligations, treaties which were ratified under the Constitution and considered the supreme law of the land. Tribes deliver all the range of services that other governments provide. Federal funds provide much needed investments in tribal physical, human, and environmental capital. For many tribes, the majority of tribal governmental services is financed by federal sources. Tribes like parity and tax authority to raise revenue to deliver services. If federal funding is reduced sharply for state and local governments, they may choose between increasing taxes and spending for basic services, or allowing their services to take a financial hit. Half of state and local government revenues from their own taxes, while a quarter is federal.

On the other hand, up to 60 to 80 percent of the revenue for Indian tribal governmental services comes from federal sources. Not only will reductions to our base programs and TPA, IHS, or caps on contract support costs violate the trust responsibility to tribes, but it will hurt the regional economies in which tribes are major players.

Economies show that federal funds in tribes represent high powered spending when they enter the local economies, and provide a relatively large economic impact. In Oklahoma, 38 tribal nations—actually, 39 tribal nations now have $10.8 billion impact on the

state every year, supporting an estimated 87,000 jobs, or 5 percent of all jobs in the state. Interrupting tribal revenue flow will increase unemployment for the region. Federal cuts disproportionately impact Indian Country.

Another major issue is contract support costs. NCAI opposes the Administration's unilateral proposal in its fiscal year 2014 budget request to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of contract support costs. Contract support costs funding is essential to the operation of contracted federal programs administered under federally-issued indirect cost agreements. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service, the Bureau of Indian Affairs, and tribal leaders informed by a joint technical working group and coordinated through NCAI. Such a consultation process must be scheduled to permit opportunity for full tribal participation.

While NCAI believes that overall statutory caps on contract support costs should be eliminated, at the very least, Congress should maintain a fiscal year 2014 and 2015, the status quo statutory language enacted in fiscal year 2013, so that tribally developed changes in contract support costs and cost funding mechanisms, if any, can be included in this fiscal year 2016 budget.

Reductions to tribal trust obligations, public safety, education, healthcare, social services, and tribal governmental services are reductions to high-powered spending for local economies, which will impede economic recovery, in addition to causing increased poverty and hardship for Indian Country.

The stakes are high for tribal governmental services and programs in the federal budget that support the trust responsibility, only some of which are highlighted here. The trust obligations should be protected from further reductions.

[The information follows:]

NATIONAL CONGRESS OF AMERICAN INDIANS

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

April 17, 2013

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Testimony of the National Congress of American Indians for the Hearing on American Indian/Alaska Native Programs

Introduction

On behalf of the National Congress of American Indians (NCAI), thank you for holding this important hearing on American Indian and Alaska Native programs. NCAI is the oldest and largest American Indian organization in the United States. Tribal leaders created NCAI in 1944 as a response to termination and assimilation policies that threatened the existence of American Indian and Alaska Native tribes. Since then, NCAI has fought to preserve the treaty rights and sovereign status of tribal governments, while also ensuring that Native people may fully participate in the political system. As the most representative organization of American Indian tribes, NCAI serves the broad interests of tribal governments across the nation. As Congress debates elements of various budget proposals for FY 2014 and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget.

Sequester

Although we are submitting testimony on FY 2014, we must comment on the FY 2013 sequestration of discretionary programs. NCAI passed a unanimous resolution that trust and treaty obligations to tribes should not be subject to sequestration. Although the United States, businesses, and workers hoped that an economic recovery was finally taking off, the nation will begin absorbing automatic spending cuts known as sequestration in the next few months, creating an economic drag. The sequester cuts pose particular hardship for Indian Country and the surrounding communities who rely on tribes as employers, where the recession struck especially hard.[1] Tribal leaders urge Congress to protect the federal funding that fulfills the trust responsibility to tribes in the face of difficult choices. The sequester reductions to tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and considered the "supreme law of the land." At its most basic level, the economic success of the United States is built upon the land and natural resources that originally belonged to tribal nations. In exchange for land, the United States agreed to protect tribal treaty rights, lands, and resources, including provision of certain services for American Indian and Alaska Native tribes and villages, which is known as the federal Indian trust responsibility. Indiscriminate cuts sacrifice not only the trust obligations, but it thwarts tribes' ability to promote economic growth or plan for the future of Native children and coming generations.

[1] Economic Policy Institute, *Different race, Different recession: American Indian Unemployment in 2010*, November 18, 2010

The 2013 sequester and potential reductions due to the Budget Control Act caps will hurt law enforcement, education, health care and other tribal services, which have been historically underfunded and have failed to meet the needs of tribal citizens.

Federal Cuts Disproportionately Impact Indian Country

In their role as governments, tribes deliver all the range of services that other governments provide. Tribal governments maintain the power to determine their own governance structures and enforce laws through police departments and tribal courts. Tribes provide social programs, first-responder services, education, workforce development, and natural resource management. They also build and maintain a variety of infrastructure, including roads, bridges, housing, and public buildings. Yet, tribes need adequate resources to exercise their self-determination and serve as effective governments. Government funds provide much-needed investments in tribal physical, human, and environmental capital.

For many tribes, a majority of tribal governmental services is financed by federal sources. Tribes lack the tax base and lack parity in tax authority to raise revenue to deliver services. If federal funding is reduced sharply for state and local governments, they may choose between increasing their own taxes and spending for basic services or allowing their services and programs to take the financial hit. On the other hand, many tribes have limited ability to raise substantial new revenue, especially not rapidly enough to cover the reduction in services from the across the board reductions of the FY 2013 sequestration. States and localities finance their own areas of spending and state and local taxes provide the majority of the funding for most of their services. The Census Bureau shows that half of state and local government revenue is from their own taxes, while a quarter is federal.[2]

On the other hand, up to 60 and 80 percent of the revenue for tribal governmental services comes from federal sources. Although some tribes have implemented strategies that enhance economic development for their communities to supplement federal sources, that does not supplant the federal government's duty to fulfill its trust responsibility.

With those tribal revenue constraints provided for context, this testimony will address recommendations for some of the critical tribal programs in the Interior Subcommittee's jurisdiction. NCAI has previously submitted FY 2014 testimony on funding for the Indian Health Service and the Bureau of Indian Education. NCAI also supports the recommendations of the National Indian Health Board, National Indian Child Welfare Association, and National Indian Education Association.

Bureau of Indian Affairs in Context

NCAI appreciates the work of this subcommittee to provide support for tribal programs over recent years, especially for the Indian Health Service and law enforcement. However, we must mention that comparing budget increases for the six largest Interior agencies between FY2004 enacted to FY2014 Presidents' Request shows that BIA has received the smallest percentage increase.

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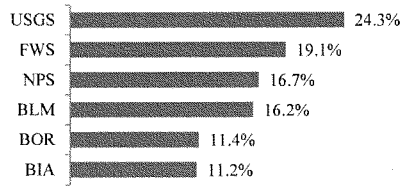
[2] U.S. Census Bureau, *State and Local Government Finances Summary: 2010*, September 2012

Budget Increases for the 6 Largest Interior Agencies FY2004 to FY2014

	FY 2004 enacted	FY 2014 Request	FY2004-2014 % Increase
USGS	$938.8	$1,167.0	24.3%
FWS	$1,303.4	$1,552.0	19.1%
NPS	$2,258.6	$2,636.0	16.7%
BLM	$999.8	$1,162.0	16.2%
BOR	$942.9	$1,050.0	11.4%
BIA	$2,305.8	$2,563.0	11.2%



The increase for BIA from the FY 2004 enacted level to the FY2014 President's requested level is about 11percent, the smallest percent increase compared to the six largest Interior agencies.

Changes Proposed to Contract Support Costs

NCAI opposes the Administration's unilateral proposal, in its FY 2014 budget request, to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of contract support costs. Contract support cost funding is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and tribal leaders, informed by a joint technical working group and coordinated through NCAI. Such a consultation process must be scheduled to permit opportunity for full tribal participation. While NCAI believes that overall statutory caps on contract support costs should be eliminated, at the very least Congress should maintain in FY 2014 and FY 2015 the status quo statutory language enacted in FY 2013 so that tribally-developed changes in contract support cost funding mechanisms, if any, can be included in the FY 2016 Budget.

Specific Recommendations for Indian Affairs

Replacement Schools: The FY 2014 President's budget does not include funding for Bureau of Indian Education (BIE) replacement school or replacement facility construction. NCAI urges Congress to restore funding for this program. The FY 2013 Continuing Resolution increased Department of Defense school replacement by $30 million above FY 2012 levels while zeroing out funds for new BIE school construction. Indian Country urges Congress to ensure that dilapidated BIE schools also receive much-needed attention. There must be parity between the two federally-funded school systems. BIE schools are in overwhelmingly horrific conditions across the United States. Rodent infestations, buckling walls, water leaks near electrical outlets, and exposed asbestos, lead paint, and mold are abundant in facilities that serve Native students. Providing safe and secure schools for Native students is a matter of basic equity and a fundamental element of the federal government's trust responsibility to tribes.

The President's budget eliminates the ***Housing Improvement Program*** (HIP) budget. NCAI opposes HIP's elimination because the program serves the neediest of the needy in Indian Country and losing the program altogether would be difficult for tribes to absorb or cover in other ways. Language to provide a no-cost economic development and jobs creation solution for restoring land to tribal governments impacted by the ***Carcieri*** Supreme Court decision is included in the Department of the Interior general provisions of the President's budget. NCAI urges Congress to retain this language. The budget includes increases of $32.4 million for ***trust natural resources*** management. NCAI supports these much needed increases to Rights Protection Implementation, Forestry, Fish-Wildlife-Parks, and Tribal Management and Development. The President's budget includes a $19 million increase for ***BIA public safety and justice***. NCAI supports these increases.

NCAI also supports the recommendations of the Tribal Caucus of the Tribal Interior Budget Council, which covers more details of the BIA budget.

Environmental Protection Agency

Tribal General Assistance Program (GAP): The President requested an increase of approximately $5 million over FY 2012 appropriations to $72.6 million for the Tribal General Assistance Program. Program capacity building is a top environmental priority identified by tribes as part of the EPA National Tribal Operations Committee National Tribal Caucus. GAP is unique among federal programs in that it provides a foundation which tribes can leverage to support other greatly-needed programs, such as planning for natural resource management, energy efficiency activities, and small scale renewable energy projects. However, GAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribes to perform the increased duties of maturing programs with fewer funds. Furthermore, the average cost for tribes to sustain a basic environmental program was set at $110,000 per tribe in 1999 and has not been adjusted for inflation since then. Tribal demand for program implementation across various media includes a very pressing need to establish climate change adaptation plans. A $175,000 per tribe distribution (totaling approximately $98 million) reflects an equitable adjustment. Tribes request $96 million for GAP funding in FY 2014. Expanded justification on tribal EPA programs can be found in the NCAI FY 2014 Tribal Budget Request.[3]

Conclusion

Thank you for your consideration of this testimony and NCAI looks forward to working with this Subcommittee to ensure the agreements made between our forefathers are honored in the federal budget.

[3] National Congress of American Indians. (January 2013). Fiscal year 2014 Indian Country budget request: Supporting tribal economic security and prosperity. Washington, DC: Author.

WEDNESDAY, APRIL 24, 2013.

TRIBAL INTERIOR BUDGET COUNCIL

WITNESS

JEFFERSON KEEL

Mr. KEEL. Next, I will share some remarks from the Tribal Interior Budget Committee. I thank you for that.

As Tribal Co-Chair of the Tribal Interior Budget Council, I am honored to present this testimony.

The Tribal Caucus passed a motion that the tribal co-chair would share recommendations of the council with this subcommittee. The Tribal Interior Budget Council was established to facilitate tribal government participation in the planning of the BIA budget, and includes two tribal representatives from each of the 12 BIA regions. The tribes have presented testimony over the years on the importance of increases for public safety and justice, trust natural resources, economic development, education programs, and with overarching requests for full funding for contract support costs and tribal priority allocations, or TPA.

The tribes have also passed unanimous motions saying that their requests for these investments do not mean that other parts of the BIA budget should be reduced. They also asked that programs benefitting American Indians and Alaskan Natives be protected from the cuts called for under the Budget Control Act, its sequester, and caps.

Tribal nations are well prepared to take on additional responsibilities for the management of their resources, but they need the United States to seek to fulfill its trust responsibilities on order to do so. We appreciate recent support for some tribal programs over the last few years, especially for contract support costs and law enforcement. However, we must mention that comparing budget increases for the six largest Interior agencies between fiscal year 2004 enacted to the fiscal year 2014 President's request shows that BIA has received the smallest percentage increase. Just for fiscal year 2014, $134 million increase to BIA funding would be needed to be equitable to overall fiscal year 2014 increases.

We have a few specific recommendations on the President's budget. Yesterday, the Council made a motion to oppose the $15 million pilot project based on the Department of Education Turn Around Schools model and concepts until further study is done and tribes are consulted. The motion was made based on the fact that the initiative was not vetted with the tribes at all. The money for such a pilot project should be funded from the Department of Education, not the Bureau of Indian Education, and not come out of the Indian Schools Education Project form of funding.

The President's budget does not include funding for BIA replacement school or replacement facility construction. We would urge Congress to restore funding for this program. The fiscal year 2013 Continuing Resolution increased the Department of Defense school replacement by $30 million above fiscal year 2012 levels, while zeroing our funding for new BIA schools. We ask Congress to ensure that dilapidated BIE schools receive much-needed attention. There must be parity between the two federally funded school systems.

Providing safe and secure schools for native students is a matter of basic equity, and a fundamental element of the Federal Government's trust responsibility to tribes.

The President's budget eliminates funding for the Housing Improvement Program. The tribes have opposed HIP elimination because the program serves the neediest of the needy in Indian Country, and losing the program altogether would be difficult for tribes to absorb or cover in other ways.

Language for a Carcieri fix is also important. It would provide a no-cost economic development and jobs creation solution for restoring land to tribal governments impacted by the Carcieri Supreme Court decision. The budget states it includes increases of $32.5 million for trust natural resources management. The tribes have supported much-needed increases for this area, such as for rights protection implementation, forestry, and tribal management and development. Federal investment and tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity. The President's budget includes a $19 million increase for BIA public safety and justice. The tribes have long called for continued increases to address the severe lack of public safety resources to address a centuries old failure by the Federal Government to fulfill its public safety obligations. I would note that the President requested a million dollar increase for tribal courts, which is a good first step, but it is far below the amount needed, especially with the historic passage of the Violence Against Women Act, and other initiatives.

Thank you for your consideration of this testimony, and we look forward to working with this subcommittee to ensure that the agreements made between our forefathers are honored in the federal budget.

[The statement of Jefferson Keel follows:]

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

April 17, 2013

Testimony of the Tribal Caucus of the Tribal Interior Budget Council for the Hearing on American Indian/Alaska Native Programs

As Tribal Co-Chair of the Tribal Caucus of the Tribal Interior Budget Council (TIBC), I'd like to thank you for holding this important hearing on American Indian and Alaska Native programs. The Tribal Caucus passed a motion that the Tribal Co-Chair would share recommendations of the tribal representatives on the Bureau of Indian Affairs' (BIA) budget with this Subcommittee.

Background
The Tribal Interior Budget Council (previously the Bureau of Indian Affairs/Tribal Budget Advisory Council) was established in 1999 to facilitate tribal government participation in the planning of the BIA budget and includes two tribal representatives from each of the 12 BIA regions. The mission of the TIBC is: to provide an advisory government-to-government forum and process for Tribes and the Department to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of Tribes and their tribal citizens. As Congress debates elements of various budget proposals for FY 2014 and beyond, leaders of tribal nations call on decision-makers to ensure that the promises made to Indian Country are honored in the federal budget.

TIBC Resolution on Federal Trust Responsibility
On December 7, 2011, the TIBC Tribal Representatives passed a unanimous resolution "Requesting the Administration to request full funding for all American Indian/Alaska Native federal programs in budget for FY 2013, including those administered by the Department of the Interior; requesting Administration and Congress to amend the Budget Control Act of 2011 to exempt all American Indian/Alaska Native federal funding programs from mandatory budget cuts in FY 2013 and beyond." Programs benefiting American Indians and Alaska Natives have not been exempted from the cuts required under the Budget Control Act of 2011, despite the pleas of American Indians and Alaska Natives, even though the list of programs exempt from mandatory budget cuts includes most programs that provide direct human services to Americans, including Social Security, Medicare and many other direct service programs.

Congress and the Administration are well aware of the trust responsibilities of the United States to American Indians and Alaska Natives that arise as a result of the unique relationship of tribes with the United States, as stated in many treaties, other agreements, federal statutes, Supreme Court decisions, and as a result of appropriation of the lands and resources of American Indians and Alaska Natives by the United States over the previous centuries. The Snyder Act, 25 U.S.C. Section 13, and many other sections of law codify these obligations to American Indians, including the Indian Reorganization Act of 1934, 25 U.S.C. Sections 450 et seq. and the Self-Determination and Education Assistance Act of 1975, and authorize Congress to appropriate

funds to fulfill the fundamental trust responsibilities of the United States. These certain trust obligations of the United States to the Tribal Nations within its boundaries include, but are not limited to, providing health care, education, housing, social welfare, law and order, transportation, responsibility for trust lands, and many other services.

American Indians and Alaska Natives, and the Tribal Nations of whom they are citizens, are well prepared to take on additional responsibilities for the management of their resources, but need the United States to seek to fulfill its trust responsibilities in order to do so, a goal of which is impeded greatly by the Budget Control Act of 2011 and the draconian cuts to programs benefitting American Indians and Alaska Natives contained in that Act.

FY 2014 Budget
The President's FY 2014 proposal would use $1.76 trillion in deficit reduction over the next decade to replace the sequester starting in FY 2014, including $583 billion from new tax revenue and about $1 trillion in alternative spending cuts, with $400 billion in cuts to Medicare. The sequester should be replaced, since it threatens the trust responsibility and reduces portions of the budget that are not major contributors to the deficit.

Indian Affairs
Tribal representatives on the TIBC have presented testimony on the importance of increases for trust natural resources, public safety and justice, contract support costs, Tribal Priority Allocations, economic development, and education programs in the BIA, among others.

Natural Resources and Trust Lands: Federal investment in tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity. Many of the BIA Trust natural resources programs discussed in this section experienced substantial cuts over the past decade. Further reductions in FY 2013 under the Budget Control Act of 2011 would eliminate jobs, stymie economic activity at a critical time for tribes, and curtail combined tribal, federal, state and community collaboration as well as the valuable perspective in natural resource management that tribes contribute to the national natural resources and the economy. The most supportive role for the federal government is as a resource-provider and enabler—facilitating independent decision-making and true self-governance for tribal nations. When tribes are free to make decisions, they have the opportunity to align policy and planning with established tribal priorities.

One of the largest increases in the proposed FY 2014 BIA budget is for sustainable tribal stewardship and development of natural resources. The budget includes increases of $32.4 million for this initiative. The funding is proposed for resource management and decision-making in the areas of energy and minerals, climate, oceans, water, rights protection, endangered and invasive species, resource protection enforcement, and post-graduate fellowship and training opportunities in science-related fields. $2.5 million of this funding will focus on projects engaging youth in the natural sciences and will establish an office to coordinate youth programs across Indian Affairs. Programmatic changes in Trust Natural Resources include increases of $9.8 million to cooperative landscape conservation, $7.7 million to Rights Protection Implementation, $5.1 million to Forestry, $3 million to Fish, Wildlife and Parks, and $2 million to Tribal Management and Development. Below are recommended levels for various natural

resources programs at BIA. Expanded tribal justification on each program is available in the FY 2014 Tribal Budget Request.[1]

Program	FY 2014 Request
BIA Rights Protection Implementation	$49,500,000
BIA Water Management, Planning, and Pre-Development Program	$8,298,000
BIA Water Rights Negotiation/Litigation program	$10,923,000
BIA Endangered Species Program	$3,000,000
BIA Tribal Management and Development Programs	$20,000,000
BIA Wildlife and Parks TPA - Fish Hatchery Operations	$3,000,000
BIA Wildlife and Parks TPA - Fish Hatchery Maintenance	$6,000,000
BIA Wildlife and Parks TPA - Wildlife and Parks TPA	$10,000,000
BIA Natural Resources TPA	$10,000,000
BIA Forestry TPA	$31,200,000
BIA Forestry Projects	$23,600,000
BIA Invasive Species Program	$5,000,000

Public Safety and Justice: The problems that continue to plague public safety providers on tribal lands are the result of decades of underfunding for tribal criminal justice systems; a uniquely complex jurisdictional scheme; and a centuries-old failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands. For many years, the TIBC tribal leaders have expressed the need for more federal resources for public safety and justice in Indian Country. At each turn, they emphasized that the current lack of resources for law enforcement on tribal lands poses a direct threat to Native and non-Native citizens alike, and to the future of all tribal nations. These concerns culminated in the passage of the extremely comprehensive Tribal Law & Order Act in 2010. The President's budget includes a $19 million increase for BIA public safety and justice. These increases will provide $5.5 million to hire additional tribal and bureau law enforcement staff and $13.4 million to staff recently constructed tribally-operated detention centers. An increase of $1 million is for tribal courts, which are expected to see an increase in case loads. $3 million is to meet the needs of tribal communities with elevated levels of domestic violence. TIBC tribal leaders have repeatedly called for increases to law enforcement, courts, and staffing for detention centers and support increases to these programs in FY 2014.

Human Services: Major changes in this section include the elimination of the Housing Improvement Program budget. The Budget in Brief states, "The $650.0 million Housing and Urban Development Native American Housing Assistance and Self-Determination Act program serves the same population as HIP. Tribes who receive HUD funding are not precluded from using that funding to provide assistance to HIP applicants." Tribal leaders on the Tribal Interior Budget Council oppose HIP's elimination because the program serves the neediest of the needy in Indian Country and losing the program altogether would be difficult for tribes to absorb or cover in other ways.

[1] National Congress of American Indians. (January 2013). Fiscal year 2014 Indian Country budget request: Supporting tribal economic security and prosperity. Washington, DC: Author.

Education: Tribal leaders of the TIBC have called for increased investment in Indian education. Research repeatedly demonstrates that investments in education contribute to economic growth, while also expanding opportunities for individual advancement.[2] For example, a 2007 Brookings Institution study revealed that investments in education and training programs provide a payoff between five and 15 percent per year compared to their upfront costs.[3] Likewise, cutting statewide public K-12 expenditures by just one percent would reduce a state's employment rates by 0.7 percent in the short run and by 1.4 percent in the long run.[4] For Native nations, the stakes of strengthening education are just as high, if not higher. Education not only provides tribal economies with a more highly-skilled workforce, but also directly spurs economic development and job creation.

Changes for BIE include an increase of $2 million for Tribal Grant Support Costs, a $15 million increase to fund a pilot program based on the Department of Education turnaround schools model and concepts. Grants will be awarded to schools that demonstrate the strongest commitment for using the funds to substantially raise the achievement of students. The increases are offset by a $16.5 million reduction in Indian School Equalization Program funds which are distributed by formula, usually based on the number of students, to BIE-funded schools for operations. The 2014 budget includes increases totaling $6.2 million for BIE-funded post-secondary programs. The budget provides an additional $2.5 million to meet the needs of growing enrollment at BIE-funded tribal colleges. TIBC tribal representatives also recommend increases for Scholarships and the Johnson O'Malley program. The FY 2014 President's budget does not include funding for Bureau of Indian Education (BIE) replacement school or replacement facility construction. TIBC urges Congress to restore funding for this program.

Changes Proposed to Contract Support Costs: The Administration unilaterally proposes, in its FY 2014 budget request, to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of contract support costs. Contract support cost funding is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and tribal leaders, informed by a joint technical working group. Such a consultation process must be scheduled to permit opportunity for full tribal participation. Overall statutory caps on contract support costs should be eliminated, and at the very least Congress should maintain in FY 2014 and FY 2015 the status quo statutory language enacted in FY 2013 so that tribally-developed changes in contract support cost funding mechanisms, if any, can be included in the FY 2016 Budget.

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[2] Goldin, C. & Katz, L. F. (2008). The race between education and technology. Cambridge, MA: Harvard University Press.

[3] Bendor, J., Bordoff, J., & Furman, J. (2007). An education strategy to promote opportunity, prosperity, and growth. Washington, DC: The Brookings Institution

[4] Wolfe, B. L. & Haveman, R. H. (2002, June). Social and nonmarket benefits from education in an advanced economy. Conference Series; [Proceedings], Federal Reserve Bank of Boston: 97-142.

Mr. CALVERT. Thank you, and thank you for your testimony.

Jim, do you have an opening statement you would like to make?

Mr. MORAN. No, I will pass on the opening statement. Thank you, Ken. Thank you, Mr. Keel, and we thank you on behalf of all of the organizations of American Indians that you represent. This is a gentleman with a historically heroic military career, and now you have devoted your life to leadership in a very important area. So we thank you, as well as all of the people who will be testifying, but I think it is best at this point that we listen and then try to rectify some of this stuff.

Mr. CALVERT. I thank the gentleman and we will just go through the panel, then we will ask questions of the entire panel.

Next, Cathy Abramson, Chairperson of the National Indian Health Board.

WEDNESDAY, APRIL 24, 2013.

NATIONAL INDIAN HEALTH BOARD

WITNESS

CATHY ABRAMSON

Ms. ABRAMSON. Chairman Calvert, Ranking Member Moran, and members of the subcommittee, thank you for holding today's hearing. [Speaking native language.] Cathy Abramson, I am member of the Sault Ste. Marie Tribe of Chippewa Indians Tribal Council, and I serve as the Chair of the National Indian Health Board.

The NIHB offers the following comments regarding the President's fiscal year 2014 budget.

First, I would like to thank this committee for the increases in Indian health that members have provided over the last several years. You have been awesome. As you know, American Indian and Alaskan Native populations suffer disproportionately from a variety of health disparities, including diabetes, heart disease, tuberculosis, alcoholism, and suicide. In the comments that this committee—commitments that this committee has made in improving Indian health in the last several years, these are starting to turn around, these figures are.

There is still much more that can be done for Indian Country's access to healthcare. In my written comments, you will see that detailed budget priorities at NIHB has for 2014 including contract support costs, contract health services, and behavioral health programs for American Indians and Alaskan Natives. However, today, I would like to focus my remarks on the biggest immediate threat to tribal health, sequestration.

I thank the chairman and the members of the committee for their public acknowledgment of the injustice done to the tribal communities by including IHS in the 5.1 percent sequester for fiscal year 2013. Because these cuts were achieved over 7 months instead of 12, the affected percentage of reductions is approximately 9 percent. IHS will lose $220 million in fiscal year 2013. Additionally, the 2 percent rescission further reduces IHS budget in the amount of $8 million, for a total cut of $228 million from the IHS 2013 budget. This, combined with government rescissions since fiscal

year 2011, means that IHS has lost $240 million in the last 3 years alone. As the chart next to me—it is over there—demonstrates, this almost completely erases the gains to IHS since fiscal year 2009.

But these figures do not tell the human consequences of the story. The sequestration cuts are literally a matter of life and death for American Indian and Alaskan Native people. For example, my tribe, our tribal membership is over 44,000, and we provide services in seven eastern counties of Michigan's Upper Peninsula, which represent part of our tribe's original lands. In 2012, our health division provided 43,500 primary care visits. This includes medical, dental, and optical treatment. Our tribe also provided 11,000 behavioral health visits. This equals 54,500 visits for tribal members. A 9 percent sequestration cut would be about $1.5 million for our tribe. This means elimination of two dentists, four dental technicians, three family practice physicians, and three registered nurses. The amount of people we could actually treat would be reduced by 12,400, or 23 percent of primary care visits. It also would decrease third party billing by over $700,000.

Currently, we are only funded at 46 percent of identified level need. Nine percent cut will increase the unfunded portion to 37.8 percent of need and be detrimental to the tribal members whose services are needed to survive.

Alaskan Native Tribal Health Consortium announced that it will discontinue the Tribal Health Aide Training Program as a result of the sequester, and they will close the Bilbray Healing Center that provides alcohol and drug treatment to Alaskan Natives. The Pine Ridge Reservation has told NIHB that it will likely severely cut back behavioral health services, which will be devastating in a community that suffers regularly from suicide, alcoholism, and other substance abuse issues. There have been 100 suicide attempts in 110 days in Pine Ridge. Because of sequestration, they will not be able to hire two mental health service providers. As one tribal health official put it, NIHB, we just cannot take anymore cuts.

Across Indian Country, our tribal leaders and our health administrators are having to make tough decisions on how to cut, and they should not have to. NIHB asks you to work with your colleagues in Congress and restore the $240 million in IHS funding eliminated due to sequestration and rescission since fiscal year 2011, and enact legislation that permanently exempts IHS from sequestration.

Thank you for this opportunity, and I will answer any questions.

[The statement of Cathy Abramson follows:]

TESTIMONY OF THE NATIONAL INDIAN HEALTH BOARD PRESENTED BY CATHY ABRAMSON, CHAIRPERSON

NATIVE AMERICAN PUBLIC WITNESS HEARING

HOUSE APPROPRIATION SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

APRIL 24, 2013

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee, thank you for holding today's important hearing on Indian health. My name is Cathy Abramson, and I serve as the Chairperson for the National Indian Health Board (NIHB) and as a Tribal councilperson for the Sault Ste. Marie Tribe of Chippewa Indians. The NIHB, in service to the 566 federally recognized Tribes, offers the following written comments regarding the President's FY 2014 Budget request for the Indian Health Service (IHS).

First, I would like to thank this Committee for the increases to Indian Health that its members have provided over the last several years. In the last three years, the IHS has received an increase of 29 percent which is enabling Indian Country to live with better health outcomes. As you may know, American Indian/ Alaska Native (AI/AN) populations suffer disproportionally from a variety of health disparities including diabetes, heart disease, tuberculosis, alcoholism and suicide. It is the commitments that this Committee has made to improving Indian Health in the last several years that are starting to turn these figures around.

It is critical that even in a time of tough fiscal choices that this Committee continues to prioritize Indian Health. This is not only a human issue, but the fulfillment of the federal trust reasonability reinforced by 200 years of legislation, treaty agreements and case law. Furthermore, the dramatic cuts affecting IHS due to the federal sequestration process and recessions will put the health of AI/AN people at risk and create a health care crisis across Indian Country. NIHB asks you to restore the $240 million in funding already lost due to sequestration and recessions and create a permanent legislative exemption for IHS from sequestration.

NIHB appreciates the President's budget request of $4.4 billion for IHS, but believes that this figure could go much further. To fulfill the total need in Indian Country, appropriations for the IHS would be $26.1 billion. However, due to the difficult fiscal environment, NIHB supports the recommendation of the National Tribal Budget Formulation Workgroup and requests IHS to be funded at $5.3 billion.

Sequestration and the 2 percent Continuing Resolution Recession

On March 1, 2013, IHS became subject the federal sequestration process. As discussed in this Committee on March 20, 2013's oversight hearing on Indian Health, NIHB and the Tribal community believe that this is a grave oversight that will drastically affect the lives of every AI/AN. Although the American Taxpayer Relief Act reduced the level of the sequester reduction for the IHS from 8.2 percent to 5.1 percent, these cuts must be achieved over seven months instead of twelve, making the effective percentage of reductions approximately 9

percent. The amount reduced out of the IHS budget through the sequester is $220 million. Additionally the 2 percent rescission enacted by the recently-passed Consolidated and Further Continuing Appropriations Act (P.L. 113-06) further reduces the IHS budget in the amount of $8 million for a total cut of $228 million from the IHS' FY 2013 budget. For FY 2013, combined with government recessions since FY 2011, means that the IHS has lost *$240 million* in the last three years alone.

Health care provided through the Indian Health Service is not just another discretionary program. These services for AI/ANs are the fulfillment of a federal trust responsibility. Unlike other federal program cuts, the reductions to IHS are not about forcing government to run more efficiently. The sequestration cuts are literally a matter of life and death for AI/AN people and a deliberate abrogation of federal trust reasonability. Other medical service programs such as Medicaid, Medicare, the Children's Health Insurance Program, and medical care for Veterans have been exempt from the full sequester. NIHB strongly believes that the IHS should have the same exemption.

NIHB thanks this Committee for its public recognition of the unjust nature of these cuts. ***Therefore, NIHB asks you to work with your colleagues in Congress to restore the $240 million in IHS funding eliminated due to sequestration and recessions since FY 2011 and enact legislation that permanently exempts the Indian Health Service from sequestration.*** Now is not the time to completely erase the positive gains made by IHS in the last several years.

Contract Support Costs (CSC)

In June 2012, the Supreme Court issued a ruling in *Salazar vs. Ramah Navajo Chapter* that held that the U.S. Government must pay each Tribe's contract support costs even if the full amount to fund this has not been appropriated by Congress. As a result, the Administration has proposed an overhaul of the current Contract Support Cost system. The FY 2014 Budget recommends that the government enter into individual contracts with each Tribe for CSC funds that each Tribe will receive. NIHB stands with the Tribes in opposing this unilateral policy change. The Administration has proposed this change without thorough and specifically focused consultation from Indian Country, which is a violation of a several federal laws and guidelines. While NIHB supports the overall elimination of statutory caps on CSC, this change should only be undertaken with a full comprehensive study by Congress, the IHS, and Tribal advisors. The Administration's proposal is destructive to Tribal self-governance and NIHB calls for extensive Tribal consultation on CSC. ***NIHB requests no major policy changes regarding CSC occur without Tribal consultation and a study process jointly undertaken by the Indian Health Service, the Bureau of Indian Affairs, and tribal leaders, informed by a joint technical working group.***

FY 2014 Budget requests an increase of $5.8 million (1.3 percent) for CSC in the total amount of $477,205,000 for FY 2014. In addition, the Budget requests $500,000 for CSC associated with new or expanded compacts or contracts. NIHB agrees that it is critical to increase funding for CSC. This funding enables Tribes to receive the essential infrastructure support needed to administer federal programs. Without full funding, Tribes are forced to redirect funds and reduce services in order to cover these costs. This is especially devastating for AI/ANs during a time of difficult budget reductions. Therefore, NIHB asks that CSCs are increased by $109.2 million from FY2012 levels, as recommended by the National Tribal Budget Formulation Workgroup.

Purchased/Referred Care (formerly known as Contract Health Services)
The Purchased/Referred Care (PRC) Program (formerly known as the Contract Health Service Program) allows IHS to purchase health care from outside providers when no IHS-funded direct care service is available. NIHB is deeply appreciative of the dramatic increase in funding this program has seen in the last several years. Since FY 2005, funding for CHC has increased from $498 million to $845 million, or 69 percent. The FY 2014 Administration Budget requests funding of $879 million, an increase of $35 million, or 4 percent, over FY 2012.

However, this increase in funding does not adequately address the rate of medical inflation, nor does it provide adequate funding to meet the needs of the program. Adjusting funding for medical inflationary costs helps maintain the current level of services and offsets the rising cost in providing health care. The increase of $35 million is the calculated need based on a 3.7 percent medical inflation rate. However, according to the Consumer Price Index, inpatient hospital care is at 7 percent and outpatient hospital care is at 5 percent. PRC is grossly underfunded and IHS cannot purchase the care it needs. Indian patients are left with untreated and often painful and preventable conditions that, if treated early, would result in better health outcomes at a lower cost.

For PRC, NIHB requests a $171 million increase over the FY 2012 for a total amount of $1.01 billion. NIHB feels that this amount will allow IHS recipients to receive modest gains in access to care. For FY 2011, the estimate of PRC unmet need was over $800 million and with health care costs rising, this figure is only expected to grow. Without increases to this program or significant reform AI/ANs will continue to live shorter and die sicker than other Americans.

Definition of Indian in the Affordable Care Act
AI/ANs must be able to access the new benefits offered under the Affordable Care Act (ACA) (P.L. 111-148). The ACA contains numerous favorable procedural rules, cost-sharing protections, and mandatory enrollment exemptions that apply specifically to AI/ANs.

However, the Act references several different definitions of the word "Indian." Though HHS has officially stated that these definitions are "operationally" similar but not exactly the same, it is expected that AI/ANs will experience many administrative setbacks before they can fully access ACA programs. This will create enormous potential for confusion and inefficiency in the implementation of the ACA. One consequence will be that certain AI/ANs would face tax penalties for not enrolling in an Exchange though they are already receiving health care from the IHS or a Tribally-administered program.

Officials and HHS have stated that there must be a legislative fix. The NIHB recommends that the definition of "Indian" adopted by the Centers for Medicare & Medicaid Services (CMS) (at C.F.R. § 447.50 and effective on July 2, 2010) in its implementation of the Medicaid cost-sharing protections should be adopted uniformly in its implementation of the ACA for both the health insurance marketplace plans and the Medicaid expansion.

Special Diabetes Program for Indians (SDPI)

The Special Diabetes Program for Indians (SDPI) is a mandatory spending program which provides grants for diabetes treatment and prevention services to 404 IHS, Tribal and Urban health system programs. Currently this program is authorized at $150 million per year through September 30, 2014. The SDPI program is subject to a 2 percent sequestration cut as of March 1, 2013. This translates into a $3 million budget reduction for SDPI and will force SDPI grantees to make difficult choices on how to use SDPI funding to address the primary, secondary and tertiary prevention of diabetes in American Indian and Alaska Native (AI/AN) communities.

SDPI is making a real difference in the lives of people who must manage diabetes on a daily basis. As a result of intensive SDPI program data collection analysis, we are able to demonstrate remarkable outcomes from SDPI programs, including: a decrease in the average blood sugar level from 9.0 percent in 1996 to 8.1 percent in 2010; and a 56 percent increase in weight management activities targeting children and youth. NIHB requests that this continue to support reauthorization of SDPI.

Other Programs

FY 2014 Budget requests $196,405,000 for the Alcohol and Substance Abuse, which is an increase of $2,108,000 over the FY 2012 enacted level. NIHB supports this increase but believes that federal funding for this program should be $203.7 million. This funding supports integrated behavioral support to reduce substance abuse in Indian Country, which is one of the most critical health epidemics for AI/ANs.

In a related matter, the FY 2014 Budget request for Mental Health is $79.9 million, an increase of $185,000 for pay costs and $4.1 million for mental health staffing at newly constructed healthcare facilities. AI/ANs are at higher risk for certain mental health disorders than other racial or ethnic groups. More funding is needed to increase the incidence of suicidal behavior reporting by health care (or mental health) professionals. NIHB requests $121 million (or an increase of $45.8 million over the FY 2012 enacted level) for FY 2014.

Conclusion

In closing, I would like to reiterate my deep appreciation for this Committee's commitment to Indian Health in last several years. With your help, Tribes and IHS have been able to make great strides in Indian Health and these increases will help to ensure that AI/ANs remain a healthy and vibrant people for generations to come.

There is still much work to be done. NIHB recommends that this committee work to restore previous cuts to the IHS by federal budget recessions and sequestration and establish permanent legislative exemption for IHS from the sequestration process. Cuts of this magnitude will only result in increased disease and sickness for AI/ANs. NIHB also appreciates the President's request for increased funding in these difficult fiscal times. However, in order to address these great inequalities and fulfill the federal government's trust obligation to native communities, FY 2014 appropriations for IHS should be at $5.3 billion.

Thank you again for this opportunity to testify regarding the FY 2014 IHS budget. I look forward to answering your questions.

Mr. CALVERT. Thank you. Next, Carmelita Skeeter, Executive Director, Indian Health Care Resource Center, Tulsa, Oklahoma, for the National Council of Urban Indian Health.

WEDNESDAY, APRIL 24, 2013.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

CARMELITA SKEETER

Ms. SKEETER. Thank you very much for allowing me to speak this morning. Good morning, Congressman Cole. I am here testifying on behalf of the National Council on Urban Indians. We serve over 100,000 Native Americans in 40 urban programs across the United States. I will just highlight some of the issues that we have.

The Urban Indians funding is now at the lowest it has ever been, and the programs are going into 36 years of age. They have been cut by the Administration, even though the tribes have come together and supported increases for the urban programs. We serve 71 percent of the Native American population in our urban programs, but only received 1 percent of Indian Health Service budget funding. We only received money out of one line item, and that is urban Indians. So the money that you put into the other line items for hospitals and clinics, for contract healthcare, for public health nursing, urban programs do not share in that. They only share in the one line item for urban Indians, and that is 1 percent of the total budget.

So the programs are extremely underfunded to serve the 71 percent of the Native Americans in the urban areas, and they increase every day, and as major companies in urban areas are dropping insurance, then there is more need for urban Indian clinics to serve the people.

I have two suggestions that would help with the budget cuts, and it would help with the bottom dollar. If the urban programs could be given federal tort claim coverage—the tribes have it, Indian Health Service has it, community health centers have it, urban Indian health centers do not have federal tort. My program specifically, it costs us $200,000 a year for malpractice for our physicians. That is money that could go to direct services. It would take a legislative change, but the Council would be more than happy to work with the committee to make that change. We have been working with Congressman Cole this past year trying to make that change. That would not add to the bottom dollar of the budget.

The other issue is if the urban Indian programs could be included in the 100 percent FMAP that Indian Health Service and the tribes receive, that would help with their Medicaid coverage. Right now, they only receive a percentage of what the state negotiates with the urban programs, which is a much smaller percentage than what the need is. If they could receive 100 percent of FMAP and participate in the OMB agreement with IHS and the tribes and Indian Health Service, that would increase their resources tremendously.

So you have my written testimony. Those are my highlights, so I will be glad to answer any questions. Thank you.

[The statement of Carmelita Skeeter follows:]

Testimony of Carmelita Skeeter, Executive Director of the Indian Health Care Resource Center of Tulsa, Oklahoma,
on behalf of the National Council of Urban Indian Health
House of Representatives
Appropriations Subcommittee on Interior, Environment, and Related Agencies
Native American Witness Day Hearings
April 24, 2013

Good morning. My name is Carmelita Skeeter, Executive Director of the Indian Health Care Resource Center of Tulsa, Oklahoma. On behalf of the National Council of Urban Indian Health, and the more than 100,000 American Indian and Alaska Native patients our member programs serve each year, I am grateful to the Chairman for the opportunity to testify before the Subcommittee today.

The National Council of Urban Indian Health is disappointed that, for the second consecutive year, the Administration has rejected the tribes' recommendation for increased funding for urban Indian health, instead proposing a continuation of current funding levels. Unfortunately, the Administration's FY2014 budget does not reflect the fact that sequestration will actually cut more than two million dollars from the proposed 43 million dollar figure for urban Indian health. Therefore the President's proposed budget would actually decrease funding for urban Indian health, despite tribal recommendations and the administration's stated commitment to remedying long-standing underfunding of urban Indian health care. NCUIH strongly urges members of Congress from both parties to exempt American Indians and Alaska Natives from the impact of these harmful sequester cuts, and we express our sincere gratitude in particular to Committee members Tom Cole and Betty McCollum for their leadership in seeking a remedy to the sequester.

As NCUIH has previously testified, 2010 Census data shows that 71% of all American Indians and Alaska Natives live in urban centers. Unfortunately, the President's FY2014 budget would mark the third straight year that funding for urban Indian health fell below 1% of total Indian Health Service funding. The FY2013 budget already funds urban Indian health at only 0.95% of total IHS funding – the lowest percentage rate in the 37-year history of the program. The President's FY2014 budget request would bring urban Indian health program funding to a new historic low as a percentage of total IHS funding, at a mere 0.92%. In 2009, Congress passed a long-overdue increase to the urban Indian health line item, after a decade of neglect. Since this last increase, urban Indian health programs have

actually seen appropriations decrease, even as the rest of the Indian Health Service budget has grown. All the while, the number of American Indians living in American cities has continued to grow, in part because of the high unemployment and limited opportunities on tribal lands, and the continued negative economic impact of the Great Recession.

In FY2009, this Subcommittee directed the Indian Health Service to carry out a National Urban Indian Health Needs Assessment. Preliminary data from this Needs Assessment shows that the 43 million dollars that fund 38 urban Indian health programs meet only 18.6% of total need. The permanently reauthorized Indian Health Care Improvement Act made it a national policy of the United States to address the health disparities suffered by American Indians, including those living in urban areas. Achieving meaningful progress toward this goal will be impossible without a renewed commitment to urban Indian health care.

It is important to bear in mind that urban Indian health programs are funded from a single IHS line item, and do not have access to funding appropriated to other areas of the IHS budget. Thus, the 55 million dollar increase the Administration has proposed for Hospitals and Health Clinics, the 35 million dollar increase proposed for Contract Health Services, and the 7 million dollar increase proposed for facilities will not benefit urban Indian health programs or the Native communities they serve. It is critical that Congress direct resources to the urban Indian health line item in order to provide health care services to urban Indian patients.

All too often, urban Indians health programs are excluded from laws intended to benefit American Indians and improve their quality of health, because of a lack of understanding of the history of urban Indian communities and the complexity of the Indian health delivery system. Lack of information and bureaucratic complexity has led to the exclusion of urban Indian health programs from a number of critical protections enjoyed by IHS and tribal health providers. Urban programs have struggled for years without the benefits of these protections, compounding the problem of limited appropriations amid a general lack of understanding of the programs' critical role in fulfilling the federal Trust Responsibility.

The most urgent of these protections would be the inclusion of urban programs in 100% federal match for Medicaid services – a protection already enjoyed by IHS and tribal facilities. This protection – known as 100% FMAP – would provide states with 100% of the cost of payments made to urban Indian health providers for services provided to American Indian Medicaid patients, rather than requiring the states to assume a percentage of the cost of Indian health care. While Medicaid is a complex program and my time this morning is limited, I can illustrate the importance of 100% FMAP to urban programs by recounting how our California programs lost 3.5 million dollars of Medicaid revenue per year because the state no longer included adult dental care as a reimbursable service. Because tribal health programs receive 100% FMAP, these facilities are now able to once again bill Medicaid for adult dental services. Urban Indian health programs, however, will not be able to receive

Medicaid payment for these services, because of their exclusion from 100% FMAP. The Department of Health and Human Services has estimated that providing urban Indian health programs with 100% FMAP would cost only about 5 million dollars each year. Fulfilling this request for 100% FMAP would require a small legislative change. NCUIH would be more than happy to work with the Subcommittee to provide additional information to assist in this effort.

Urban Indian health programs, unlike IHS and tribal health programs, are excluded from the protections of the Federal Tort Claims Act. Consequently, urban Indian health programs are required to spend thousands of program dollars each year to purchase malpractice insurance for their providers. Given the extremely sparse funding that is appropriated to serve American Indians in urban centers, urban Indian health programs should not be required to spend these precious resources on insurance coverage – especially since IHS and tribal programs have long been exempted from this burden. Extending this coverage to urban Indian health programs would require a legislative change, and again, we are more than happy to provide you with any assistance you may require to achieve this long-sought goal.

I appreciate this Subcommittee's dedication to Indian health care, and I appreciate your steadfast resolve to fulfill America's trust obligations to tribes during this era of fiscal austerity and limited resources. Urban Indian health programs are an excellent investment of federal resources, leveraging an average of $1.50 for every dollar appropriated to our line item. We are at a critical juncture in the history of urban Indian health, as the challenges of the Affordable Care Act will require us to implement program-wide improvements in accreditation, third-party billing systems, and patient care coordination in order to remain competitive. NCUIH respectfully asks the Subcommittee to recommit itself to the success of this program, and to remedy years of inadequate appropriations by providing full funding of UIHPs at a rate of 231 million dollars annually. This goal could be achieved by annual increases 19 million dollars over ten years. We also stand with National Indian Health Board in requesting full funding of the Indian Health Service at 27.6 billion dollars and exemption of IHS from sequestration. Thank you for the opportunity to speak, and I will be happy to take any questions you may have.

Mr. CALVERT. Thank the gentlelady, and your full statement will be entered into the record.

Next, Lloyd Benton Miller, Counsel for the National Tribal Contract Support Cost Coalition.

WEDNESDAY, APRIL 24, 2013.

NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

WITNESS

LLOYD BENTON MILLER

Mr. LLOYD MILLER. Thank you, Mr. Chairman, Congressman Cole, Ranking Member Moran, Congresswoman McCollum. My name is Lloyd Miller. I am with the Sonosky, Chambers Law Firm. I represent today the National Tribal Contract Support Cost Coalition. The Coalition represents the interests of 250 tribes in 11 states, administering $400 million in BIA and IHS contracts. It includes the Riverside/San Bernardino Country Indian Health, includes Chickasaw, Choctaw, Cherokee, and Citizen Potawatomi band, and tribes in 10 other states—nine other states.

The Administration is asking this committee to surrender its lawmaking function, in particular, its Article 1 appropriations power, to the Indian Health Service and the Bureau of Indian Affairs. I say this because the Administration's proposal is this: once Congress enacts a final bulk appropriation for contract support costs, the agencies would then submit tables to the committee identifying how much the agencies would pay each tribe, and those tables would then have the force of law, even though this committee had never seen the tables before, even though no member of Congress will have ever seen the tables they would be asked to vote upon. That, in my opinion, is surrendering this committee's appropriations power to the Executive Branch. It is an unprecedented, I believe unconstitutional reaction to a Supreme Court decision, Salazar v. Ramah. I know this because I was co-class counsel in the Salazar v. Ramah decision, which was issued by the Supreme Court last June. In that case, the Supreme Court said something very simple. "Consistent with longstanding principles of government contract law, we hold that the government must pay each tribe's contract support costs in full." Now, one of those longstanding principles of government contract law is this: when a contractor, any contractor, even an Indian contractor, does work for the government, it is entitled to be paid. If it is not paid, it is entitled to sue. That is a basic rule of federal contract law. The Administration's proposal is really an extraordinary overreaction to that simple rule of law. Rather than figuring out how to pay for the contracts, they are trying to figure out how to change the law.

Worse yet, it was developed under a veil of complete secrecy. We had no idea until the budget was published that the Administration was proposing to impose legal caps on each individual contract so that there would be no remedy available through the courts or the Contract Disputes Act or the kind ordinarily available to any government contractor. The Administration would never do this if

they were contracting with Sisters of Providence to run an IHS hospital. They would never do this if they were contracting with a Corrections Corporation of America to run our detention facilities. They would never underpay the administrative costs of the contract that are set by a federal agency, and yet, when it comes to Indian tribes, they think it is perfectly fine to do this.

We have five recommendations we would offer to the committee, and I detail these in my testimony. First, we ask that the committee reject the Administration's proposed rewrite of the appropriations bill and not break out contract support costs as a separate activity, and not adopt by reference tables to be submitted sometime in the future.

Second, we respectfully request that the committee eliminate the earmark which was put into the bill starting in 1997, and which the agencies frankly believed would get them off the hook. The Supreme Court has said that the earmarking language does not get the agencies off the hook, that the contracts are real contracts, and we think it is time to go back to the ordinary routine of having a lump sum appropriation to the agency. Now, the agency does not have to pay the contract. That is its right. Many contractors are fully paid, some are accidentally overpaid, some are only a little underpaid, many are deeply underpaid. The ones that are deeply underpaid will have a day in court if they choose to go there.

The third proposal is that the committee urge the Administration, although they have already started on their own, to engage in meaningful government-to-government consultation. There has been no consultation on this issue. I adopt by reference the remarks of President Keel on this issue, very well considered. We join in those recommendations.

Fourth, the committee has a problem. It cannot perform its oversight function if you do not have data from the agencies, and the Indian Health Service in particular has failed to disclose data to this committee which it is required to disclose by May 15 every year. Where is the 2011 data? It was due in May, 2012. It is not here. It is not coming. And the committee should either instruct the Administration to produce the data, or waive any privilege against disclosure of the data. We tried to get the data, and the agency said no, there is a dilutive process privilege that bars you from getting it. Well, the committee has the power to waive that privilege.

And finally, we ask that the committee insist that the budget every year that you receive inform the committee just how much these contracts cost. Simple information used to be in the budget until 2010. Since 2010, it has not been included in the budget.

Thank you very much, and I look forward to your questions.

[The statement of Lloyd Benton Miller follows:]

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
HEARING ON THE PRESIDENT'S 2014 BUDGET REQUEST

April 24, 2013

Testimony of Lloyd B. Miller, Counsel, National Tribal Contract Support Cost Coalition

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Miller and Munson, LLP. I appear here today as counsel to the National Tribal Contract Support Cost Coalition. The Coalition is comprised of 20 Tribes and tribal organizations situated in 11 States and collectively operating contracts to administer $400 million in IHS and BIA services on behalf of over 250 Native American Tribes.[1] As the NTCSC Coalition has frequently stated to this Committee, the payment of contract support costs is essential to the proper administration of federal contracts awarded under the Indian Self-Determination Act.

I noted last year that no single enactment has had a more profound effect on more tribal communities than the Indian Self-Determination Act. In just three decades Tribes and inter-tribal organizations have taken control over vast portions of the Bureau of Indian Affairs and the Indian Health Service, including federal government functions in the areas of health care, education, law enforcement and land and natural resource protection. Today, not a *single* Tribe in the United States is without at least one self-determination contract with the IHS and BIA, and collectively the Tribes administer some $2.8 billion in essential federal government functions, employing an estimated 35,000 people. Contract support cost issues thus touch *every* Tribe in the United States.

Two years ago this Committee explained its views on contract support costs:

> The Committee believes that both the Bureau [of Indian Affairs] and the Indian Health Service should pay all contract support costs for which it has contractually agreed and directs the Service to include the full cost of the contract support obligations in its fiscal year 2013 budget submission.

H.R. Rep. No. 112-151, at 98 (2011). See also *id.* at 42 (addressing the BIA). The Committee was correct in its 2011 assessment of the government's liability. One year later the Supreme Court ruled that "[c]onsistent with longstanding principles of Government contracting law, we hold that the Government must pay each tribe's contract support costs in full." *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181, 2186 (2012). The Court emphasized that "the Government's obligation to pay contract support costs should be treated as an ordinary contract promise." *Id.* at

[1] The NTCSCC is comprised of the: Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of the Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chippewa Cree Tribe of the Rocky Boy's Reservation (MT), Choctaw Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), SouthEast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and the Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

2188. Two months later, the U.S. Court of Appeals for the Federal Circuit applied this ruling to the Indian Health Service, concluding that "[t]he Secretary [was] obligated to pay all of ASNA's contract support costs for fiscal years 1999 and 2000." *Arctic Slope Native Ass'n, Ltd. v. Sebelius*, No. 2010-1013, Order at 6, 2012 WL 3599217 (Fed. Cir. Aug. 22, 2012). In short, it is now beyond any reasonable debate that the payment of contract support costs is a binding contractual obligation due all Tribes that operate BIA and IHS contracts.

The Administration has not embraced the rule of law; it has instead sought to change it.

First, it has submitted a budget which falls $140 million short of what is required to honor all tribal contracts with the Indian Health Service. The budget is also $12 million short of what is required to honor all BIA contracts.

Second, it has defiantly proposed a statutory amendment-by-appropriation, seeking to cut off all future contract rights. It has done this by proposing to give legal effect to a "table" which the Secretary would someday provide to this Committee, specifying the maximum amount each tribal contractor would be entitled to be paid. Since each tribal contract is "subject to the availability of appropriations," the Administration hopes this language will limit what is "available" to the amount in the "table." The Administration does not propose that a Tribe cut back on its administration of a contracted hospital or clinic, or a police department or detention center. It only proposes to cut off what the government would pay for those services.

This is an outrageous and unwarranted overreaction by the Administration to another loss in the courts. But it is not surprising. For years the agencies have kept their heads in the sand about their contract obligations to the Tribes. They have acted as if these contracts were just another program to be balanced against other programs or activities the agencies felt were important to prioritize, including protecting and growing their internal bureaucracies. They have treated these self-determination contracts as second-class contracts, and the Indian Tribes as second-class contractors. They would never behave in this fashion if an IHS hospital were contracted out to Sisters of Providence, or a BIA detention center were contracted out to the Corrections Corporation of America. Yet they find it perfectly acceptable to do so when the contract is with an Indian Tribe.

What is perhaps most striking is that the Administration has proposed converting these contracts into second-class contracts only months after a Supreme Court ruling which declared these to be "ordinary contract promise[s]" which must be paid in full. It is nothing short of dishonorable—even discriminatory—for the Administration now to propose a special limitation applicable to *Indian* contracts only. I am also concerned that it may be confiscatory, and thus unconstitutional under the Fifth Amendment, for it tells the Tribes they must do their contracted work and accept less-than-full payment, to be set at the agency's whim and with no recourse.

It is, of course, the "no recourse" aspect of this new idea that is most troubling. For over 120 years it has been bedrock law that if the government cannot, or will not, pay a contractor, the contractor has recourse through the courts. *Ferris v. United States*, 27 Ct. Cl. 542, 546 (1892). If an overall appropriation is capped (as has been the case with contract support costs), there is recourse in the courts for those tribal contractors who suffer underpayments. A judicial remedy

for any underpayment permits a cap to withstand legal, and constitutional, scrutiny. But once that relief valve is shut off, the risk of unconstitutional action rises. In *Cherokee Nation v. Leavitt*, the Supreme Court warned that "[a] statute that retroactively repudiates the Government's contractual obligation may violate the Constitution." 543 U.S. 631, 646 (2005). The Court also warned against the "practical disadvantages flowing from governmental repudiation." *Id.*

Consider what it is the Administration is actually proposing. The Administration is not proposing that the Appropriations Act include a line-item specifying the maximum amount of funding available to pay a given contractor. That is what occurred in *Sutton v. United States*, 256 U.S. 575 (1921), and that is one of the options the Supreme Court described in *Ramah*, 132 S. Ct. at 2195 ("Congress could elect to make line-item appropriations, allocating funds to cover tribes' contract support costs on a contractor-by-contractor basis."). Instead, the Administration is proposing that the agencies, and *not* Congress, would specify how much each Tribe would be paid—but just in contract support costs—and the agencies would do so only *after* the contract support cost appropriation is enacted and after the agencies have made an assessment about how they wish to divide up that appropriation. They would do all this long after the Tribes had signed their contracts, long after the Tribes had substantially performed those contracts, and long after the Tribes had incurred costs carrying out those contracts.

In essence, the Administration proposes that a Tribe should contract to run a hospital, clinic or detention center for a full year, but that if any shortfall occurs in the required administrative costs—costs that *the government*, itself, sets—then the Tribe must somehow contribute the unpaid balance. That sort of forced volunteer services may well violate the Appropriations Clause, by effectively taking away from Congress the power to regulate spending on federal projects. Serious constitutional problems are also implicated when the agency makes an after-the-fact determination that the government is not going to pay for services rendered. These are certainly not the straightforward "line-item appropriations" that the Supreme Court said were possible if Congress wanted to limit the government's exposure for contract damages.

For the foregoing reasons, the National Tribal Contract Support Cost Coalition respectfully urges the Committee to reject the Administration's effort to radically alter both the structure of the annual appropriations bill and the fundamental nature of Indian Self-Determination Act contracts. If a sea change in federal Indian policy is to be considered by Congress, and if the change potentially implicates issues of constitutional dimension, due deliberation should begin with the authorizing committees, starting with the Natural Resources Committee's Subcommittee on Indian and Alaska Native Affairs.

In sum:

1. The Coalition respectfully suggests that this Committee reject the Administration's proposed restructuring of the appropriations Act.

2. The Coalition further respectfully suggests that the Committee either eliminate the current caps (as was the case with the IHS appropriation until FY 1998, and with the BIA until FY 1994), or raise the IHS cap to $617 million and the BIA cap to $242 million. Whatever

funding levels are fixed in the bill, tribal contractors should not be denied the remedies that every other government contractor possesses, and which the Supreme Court in the *Ramah* and *Cherokee* cases confirmed protect Indian contractors, too.

3. The Coalition also respectfully suggests that the Administration be directed to engage Tribes in true and thoughtful government-to-government consultation, consistent with President Obama's November 5, 2009 Memorandum directing full implementation of Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"), 65 Fed. Reg. 67,249 (2000). In so doing, the Administration should be directed to work with the National Congress of American Indians, impacted tribal organizations, and experts in the field. If legislative changes are deemed necessary, the goal should be the development of a joint federal-tribal proposal. The Administration should be directed not to bring any proposal to this Committee sooner than the FY 2016 appropriations cycle, to be sure that any federal-tribal proposal that is brought forward has been fully vetted in advance with the relevant authorizing committees.

4. Finally, the Coalition requests that the Committee take firm action to force the disclosure of IHS data the Secretary has failed to share with Congress and the Tribes, contrary to federal law. Section 106(c) of the Act requires that an annual shortfall report on past and anticipated contract underpayments be delivered to Congress by May 15. The IHS report on FY 2011 data—*two year old data*—has still not been submitted to Congress. The 2009 and 2010 Reports were only submitted last Fall, the former report *three years late*. Without accurate data, this Committee cannot perform its constitutional function. Without accurate data, Tribes cannot know what the agencies are doing with their contract funds.

Since the agencies invoke the "deliberative process privilege" under 5 U.S.C. § 552(b)(5) to resist disclosure, we request the insertion of language waiving that provision for all CSC data not disclosed on or before May 15. Past data errors are a reason to disclose data, not to keep it secret long until after it is useful. The recent withholding of CSC payment data must stop.

5. On a related note, the President's Budget now routinely omits any mention of the total projected amounts required for IHS and BIA contract payments. Until the FY 2011 Budget, such projections were routinely included in the Budget narrative. The Coalition respectfully requests that the Committee direct the Secretaries to include this data in future Budget submissions.

By any measure, the Indian Self-Determination Act has been a stunning success, most importantly for the Indian citizens served, but also in the strengthening and maturing of modern tribal government institutions. Now is not the time to adopt changes that will inevitably drive Tribes to retrocede their contracted activities to the federal government, turning back the clock on the most successful initiative the United States has ever launched in Indian affairs.

* * *

It is a rare privilege to appear before this Committee. On behalf of the over 250 federally-recognized Tribes represented by the National Tribal Contract Support Cost Coalition, I humbly thank the Committee for this opportunity to testify on the Administration's proposed FY 2014 Budget.

Mr. MORAN. That was important testimony particularly. Thank you. It is something that we are going to have to be directly involved in.

Mr. Chairman, could I just ask some questions?

Mr. CALVERT. Gentleman is recognized.

Mr. MORAN. So what you would like is for us to retain the prior language that we had, which—and basically ignore the President's request, but the status quo that we have put in this subcommittee was acceptable?

Mr. LLOYD MILLER. I think there are two options. That would be option two, if you will.

Mr. MORAN. Yeah.

Mr. LLOYD MILLER. Option one would be to go back to the language the committee had prior to fiscal year 1998 appropriations. Just a simple, clean appropriation, if it is $4 billion to the Indian Health Service, it is $4 billion.

Mr. MORAN. Yeah.

Mr. LLOYD MILLER. And that money would be available to pay or not to pay the contracts. I respect the agency's judgment. They might not choose to pay all the contracts, and that is their right. That is their right. But then the tribes that are underpaid would have the right to file——

Mr. MORAN. We are going back 6 years of appropriation bill——

Mr. LLOYD MILLER. Well, not to do anything retroactively.

Mr. MORAN. No, I know that, but—okay. We are going to have to discuss this, and Mr. Calvert, Mr. Cole——

Mr. CALVERT. That is another reason we need to get back to regular order. I think we all agree to that.

Mr. MORAN. That is for sure.

Mr. CALVERT. President Keel, that begs a question. Do you believe that the President's fiscal year 2014 BIA budget fairly and reasonably reflects the input from the Tribal Budget Council, and to add to that, do you think the budget process is worth the Tribal Budget Council's time?

Mr. KEEL. Well, the first answer is the budget, the 2014 budget—let me go back to some previous meetings of the Budget Council. We met and talked about information that was requested by the Bureau of Indian Affairs to be included in the budget. Many of those recommendations were not seen in the budget formulation itself.

Being as a matter of a waste of time, I do not believe so. I believe that it is critical that the Council continue to work with the Bureau of Indian Affairs, but there has to be a more concerted effort in consulting with the tribes and listening to the tribal leaders prior to submitting the budget.

It appears that the budget was or the President's budget was given to the Bureau of Indian Affairs or to the agencies and said here it is. This is your budget and live with it, and many of the people, in their defense, in the Bureau of Indian Affairs or federal agencies across the Federal Government do not have any say in how to consult with tribal leaders or to consider those requests. They are simply given a document, and it comes back to the old announce and defend policy of the Federal Government. This is our budget, and I will defend it. And it is contrary to the President's

Executive Order for consultation. President Obama directed all federal agencies to develop and implement a consultation policy whereby the tribal leaders would be involved in the process of developing not only budgets, but any action that affects tribal leaders, tribal governments, and tribal people. Tribal leaders should be involved in that process, and they have not been.

Mr. CALVERT. All right, I thank the gentleman.

Any other questions?

Ms. MCCOLLUM. Mr. Chair, more of a comment maybe for some follow-up on healthcare, and first, you know, it is devastating to so many of us. I mean, we had a false impression and it was a very false face of what was going to happen with Indian health, and shame on all of us collectively for not doing our due diligence and drilling deeper and asking more questions about that. And so many people are suffering because of that, so my apologies.

But on the healthcare issue, I think there are many of us who would like to see us try to put as many dollars back in as possible, so I think the more specifics that you are able to gather, the more helpful it would be.

And then for some background information maybe in further discussions, in Minnesota—and I do not have all the information in front of me, so I might be misspeaking. I hope that I am not. I am trying to remember without all my notes in front of me. Our urban health clinic also serves as a federal community health clinic, so it is a combination.

Ms. SKEETER. Some of them, yes.

Ms. MCCOLLUM. Some of them are. So my question to you, and not that that is a trend that they should all go to, I mean, maybe that is what works best with the community, but if you have within those facilities—and my staff is going to look into it, or maybe you have some information—do we have one community clinic that is two halves, and if you enter in through, basically, one door, you do not have to worry about what is going to happen with contract support. If you enter on the other door because you are coming in as a community member qualifying, then you do not have to worry about caps. And so my point is, I mean, here we have people literally sitting next to each other in a waiting room——

Ms. SKEETER. Right.

Ms. MCCOLLUM [continuing]. With a community health clinic that started out as an Indian health clinic that now other people are using, so if there are some examples that you could help this committee with that in making our point about how this is not only morally wrong, wrong legally to our obligations, but how we literally have families sitting next together in the same waiting room in the United States of America being treated radically different by Indian urban health care.

Ms. SKEETER. Yes, I would be more than happy to get you that information. Thank you.

Ms. MCCOLLUM. Thank you.

Mr. CALVERT. Thank you, and if there is no additional questions——

Mr. MORAN. Mr. Chairman, if I could. I just want to underscore the point that has been made with regard to sequestration. The states and localities, as difficult as it is to do with the sequestra-

tion, only a quarter of their revenue is coming from the Federal Government. Three-quarters of the revenue that Indian tribes depend upon is coming from the Federal Government. So you could make a strong case—and it is strong because it is accurate, that the sequestration is three times more devastating to Indian tribal operations than it is to any other—you know, than it is to the rest of the American people.

So I mean, I wish that the authorizing committee had fought for that and this—the members of this subcommittee, I think, were pretty consistently opposed to it, but that point needs to be made, and I appreciate the fact that our witnesses today have made it. It is now up to us, but you know, the ideal thing, of course, is to get rid of the damn sequestration, but other than that, at least to make that point when we are talking about further exemptions.

The other thing, in terms of housing, we put extra money, I believe $30 million in for school replacements for the Department of Defense military bases, and did not do anything, in fact, for Indian school replacement, which are in a more deteriorated condition than our military schools, under sequestration. So this was important testimony, and we thank you.

Thank you, Mr. Chair.

Mr. CALVERT. I thank this panel.

Ms. SKEETER. Thank you.

Ms. ABRAMSON. Thank you.

Mr. MORAN. Thank you. Nice to see you.

Mr. CALVERT. Okay, next panel will be Aurene Martin, Board Member of the National Indian Child Welfare Association, speaking for the National Indian Child Welfare Association; Dr. Rick Niederman, Director, the National Indian Education Association—excuse me, the Center for Evidence-Based Dentistry and the Forsyth Institute; Dr. Heather Shotton, President of the National Indian Education Association; Quinton Roman Nose, Director of the Tribal Education Departments National Assembly; and D. Bambi Cross, President of the National Association of Tribal Historic Preservation Officers.

I think first is Aurene. How are you doing? Welcome.

Ms. MARTIN. Thank you.

Mr. CALVERT. We will get everybody up here. Great.

Ms. MARTIN. Should I go ahead and start?

Mr. CALVERT. Yes. Aurene, you are recognized for 5 minutes.

WEDNESDAY, APRIL 24, 2013.

NATIONAL INDIAN CHILD WELFARE ASSOCIATION

WITNESS

AURENE MARTIN

Ms. MARTIN. Thank you, Mr. Chairman. Good morning. My name is Aurene Martin, and I am a member of the National Indian Child Welfare Association Board of Directors. I am their newest member, having been appointed last month.

The National Indian Child Welfare Association, or NICWA, is a national American Indian and Alaskan Native organization with

over 25 years' experience in public policy development, focused on native children and families. We work closely with tribal governments and tribal organizations like NCAI to further our goals.

Our mission is two-fold. First, we address issues of child abuse and neglect through research, public policy, training, and grass roots community development. Our other goal is to support enforcement of the Indian Child Welfare Act.

Our primary focus today is going to be on the BIA budget as it relates to native children and families.

It is important to note that where abuse and neglect has been reported, native children are twice as likely to be investigated. They are two times more likely to have been found that these abuse allegations are substantiated, and they are four times more likely to be placed out of their homes than the national average. This has led to overrepresentation of native children and placed in foster care at twice the national average, and in several states, this average—they are placed at a rate far higher, more than 10 times the national average.

Nevertheless, tribal governments have some of the most limited access to federal child welfare funding, and in many cases, do not have access to funding at all. This is specifically true of the Social Services Block Grant, Medicaid, and the Mental Healthcare Block Grant.

But the surest way to stem the flow of native children into foster care is to protect their children and families, whether they are at home or in state care. This has been borne out by actually a GAO report that was issued in 2005 that found where tribes actually participate with states in the placement of the children, that they are tremendously helpful and vital in putting the family back together and getting the children back home.

And even though the Indian Child Welfare Act recognizes the tribes' sovereign right to intervene in state child welfare proceedings, tribes' abilities cannot keep up because they are so severely underfunded. I know this from my own professional experience, having worked with these cases. A lot of these cases are just—they take place so far away from the reservation, tribes just do not have the ability to go to different cities and participate, so it is very difficult.

For these reasons, we provide the following recommendations. First, we recommend that the Indian Child Protection and Family Violence Prevention Act programs be increased by a total of $40 million, $10 million to the Indian Child Abuse Treatment Grant, and $30 million to the Indian Child Protection and Family Violence Protection Grant Program. These two grant programs are our highest priority and in fact, neither of these programs for native children has ever received a dollar of funding since they were authorized in 1991, despite being the only funds of this nature that are authorized for native children.

Last year, 11 of every 1,000 native children were abused or neglected, and further, native women are more likely than any other single group to experience domestic violence at some point in their lives. And many of these women have children that they are caring for who witness this abuse or who also are victims of the abuse. Yet there is no funding available to help these children, specifically

help these children. This underscores the need for tribal access to family violence prevention funding that takes into account the relationship between the child and maltreatment and domestic violence in their families. So we are asking that the Indian Child Protection and Family Violence Grant Program be funded at $30 million, and that the Indian Child Abuse Treatment Grant Program would be funded at $10 million.

Our second recommendation is that the Indian Child Welfare Act Title II funding for our reservation child services program be increased by $10 million, for an approximate total of $30 million for 2014.

Tribal child welfare programs work with some of the most at risk and needy families in America, and in spite of this, they have access to fewer resources and state counterparts. In fact, when ICWA was passed in 1978, Congress estimated that at least $26 million was required to fully fund tribal child welfare programs, and yet, this year the funding level would be around $19 million. This means that although almost every tribe receives this funding, more than two-thirds of tribes receive less than $30,000. And they are supposed to use this $30,000 to support a wide array of essential child welfare services, including child protective services, family reunification and rehabilitation, case management, foster care recruitment and retention, and adoption services. That just does not go very far. An allocation of $30 million will provide a level of funding which will increase travel capacity to serve children in their jurisdiction and in state child welfare services.

Third, we are recommending that child assistance funds, that request be increased by $10 million to $35 million. Tribal governments have a responsibility to support out-of-home placement of native children under their jurisdiction that live on tribal lands and cannot safely remain in their homes. These funds provide tribes the necessary resources to make basic payments to families willing to provide foster care, kinship placement, guardianship, adoptive placement for children removed from their homes. Without these funds, tribes would have to place children in unsubsidized foster care. They would not be covered at all. This is usually used to either augment or be the match for Title IV, e-funds.

I will just give my last one. We are also recommending that off reservation child welfare grant be reestablished and funded at $2 million.

[The statement of Aurene Martin follows:]

NICWA
National Indian Child Welfare Association

TESTIMONY REGARDING FY 2014 BIA PROGRAMS SERVING AMERICAN INDIAN AND ALASKA NATIVE CHILDREN AND FAMILIES

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

APRIL 24, 2013

SUBMITTED BY;
AURENE MARTIN, MEMBER, NICWA BOARD OF DIRECTORS

The National Indian Child Welfare Association (NICWA) is a national American Indian/Alaska Native (AI/AN) organization with over 25 years of experience in providing leadership in support of and analysis of public policy that affects AI/AN children and families. NICWA regularly provides community and program development technical assistance to tribal communities regarding the development of effective services for this population. Our primary focus will be on Bureau of Indian Affairs (BIA) programs serving AI/AN children and families. We thank the Subcommittee for its efforts to honor the federal trust responsibility and provide necessary resources to meet the unique needs of tribal children and families.

The Indian Child Welfare Act (ICWA) was enacted over 35 years ago in 1978 in response to the troubling practices of public and private child welfare agencies that were systematically removing large numbers of AI/AN children from their homes, communities, and cultures, and placing them in non-Indian foster and adoptive homes (25–35% of all tribal children). In spite of ICWA's mandates, AI/AN families in the child welfare system are still removed from their homes, communities, and cultures at rates higher than other children in America. Where abuse or neglect has been reported, AI/AN children in state child welfare systems are two times more likely to be investigated, two times more likely to have allegations of abuse substantiated, and four times more likely to be placed in foster care than White children.[i] This has led to the overrepresentation of AI/AN children in state foster care (AI/AN children are overrepresented in foster care at a rate 2.2 times greater than their rate in the general population.)[ii] In several states, the rate of tribal children in state foster care is even higher, as much as 10 times their proportion in the general population.

The surest ways to reduce the number of AI/AN children in state child welfare systems is to ensure that tribes have the ability to effectively partner with states as Congress intended under ICWA by increasing tribal service capacity, funding off-reservation Indian child welfare programs to assist tribal governments and states, and fund tribal child abuse prevention and treatment programs to prevent abuse and possible removal of children and treat the trauma of victims of child abuse that, left untreated, can increase the risk of further abuse in the future.

Although ICWA recognizes tribes' inherent sovereign right to intervene in state child welfare proceedings and provide services for their member children and families, tribal child welfare programs remain underfunded and therefore unable to fully exercise this right and

responsibility. Tribes have an important relationship with their children and families: they have important knowledge of how to best meet the needs of AI/AN children, and are best suited to effectively serve those needs and improve outcomes for these children.[iii] Furthermore, many states find tribes to be an essential part of the child welfare system because of the culturally competent case management, services, and placements they provide tribal children.[iv] Not only is the federal funding currently available for tribal child welfare programs inadequate, but tribes remain ineligible for several important sources of child welfare funding that states access and rely upon to create a continuum of care (from prevention to permanency).

Indian Child Protection and Family Violence Prevention Act Grant Programs

Recommendation: *Appropriate $40 million to the Indian Child Abuse Treatment grant program ($10 million) and the Indian Child Protection and Family Violence Prevention grant program ($30 million).*

The Indian Child Abuse Treatment grant program is currently authorized at $10 million and the Indian Child Protection and Family Violence Prevention grant program at $30 million (25 U.S.C. § 3208 and 3210). Yet these grant programs have **never** received any appropriations. The BIA, which has oversight authority over these programs, has not made a budget request in over 10 years.

11.0 of 1,000 AI/AN children were abused or neglected in 2011. This compares to 7.8 of 1,000 for White children and 14.6 of 1,000 for African American children.[v] Further, AI/AN women are more likely than any other single racial group to experience intimate partner violence (IPV, also known as domestic violence; 39% of AI/AN women report having experienced IPV at some point in their lives).[vi] These findings underscore the need for tribal access to family violence prevention funding that takes into account the relationship between child maltreatment and domestic violence, such as the Indian Child Protection and Family Violence Prevention grant program, which remains unfunded.

In addition, tribes lack access to resources that provide for targeted treatment of AI/AN children who have experienced child abuse or neglect. When children who have faced maltreatment are unable to access mental health services, the residual effects of trauma can continue for many years and greatly affect their mental, physical, and social well-being—costing families and society a great price. The Child Abuse Prevention and Treatment Act (CAPTA), reauthorized in 2010 (P.L. 111-320), is the only federal law focusing solely on prevention, assessment, identification, and treatment of child abuse and neglect. Yet it contains no funding for tribes to address these critical public health issues, other than a small $277,000 per year program that only funds two tribes. The unfunded Indian Child Abuse Treatment grant program, if funded, would fill this void.

ICWA, Title II Funding for On-Reservation Child Welfare Services Grant Program

Recommendation: *Increase appropriations for ICWA, Title II tribal grant program by $10 million for an approximate total of $30 million in ICWA funding for tribal child welfare programs.*

There is no specific authorization amount included in the legislation. However, its legislative history indicates that Congress estimated at least $26 million would be needed to fully implement this grant program for tribes in 1978 (25 U.S.C. 1932). The ICWA, Title II Funding for On-Reservation Child Welfare Services grant program began just after the passage of the law in 1979. During the first 14 years, the grant program was a competitive grant process. During

these years, the appropriated funding never exceeded $17 million and less than one-third of all tribes received ICWA, Title II dollars. In FY 1994, Congress appropriated $25 million for the grant program, which allowed the BIA to make it a noncompetitive grant program for the first time. Now almost every tribe receives this funding. However, almost two-thirds of tribes receive less than $30,000 per year to support essential child welfare services. Since FY 1994, the overall appropriations for this program have actually decreased by approximately $6 million.[vii]

Tribal child welfare programs work with some of the most at-risk and needy families in America, and in spite of this, have access to fewer resources than their state counterparts. For this reason, ICWA funding continues to be the base funding for most Indian child welfare programs. But in order to provide the most effective services, the small amount of ICWA, Title II dollars given to a tribe is divided between child protective services, family reunification and rehabilitation, case management, foster care recruitment and retention, and adoption services.

When ICWA was passed, Congress estimated that $26–$62 million was required to fully fund tribal child welfare programs for all interested tribes on or near reservations during the first four years of the grant program.[viii] The current funding level is well below $26 million. An allocation increase from the FY 2012 level of $10 million dollars will provide a level of funding which will increase tribal capacity to serve their children within their jurisdiction and partner more fully with states to improve outcomes for tribal children in state child welfare systems.

ICWA, Title II Funding for Off-Reservation Child Welfare Services Grant Program

***Recommendation**: Reestablish the Off-Reservation Indian Child Welfare Program under Title II of ICWA funded at $5 million.*

There is no specific authorization amount identified in the legislation (25 U.S.C. 1932). However, starting the year after ICWA's passage (FY 1979) and lasting until FY 1996, the BIA requested funds for the grant program within the Special Projects and Pooled Overhead portion of its budget separate from tribal ICWA, Title II funds. The ICWA Off-Reservation competitive grant program appropriated $1.5–$2.0 million over the course of these years, which funded several key programs within urban areas with higher densities of AI/AN children and families.

ICWA does not make a distinction between which Indian children should benefit from the Act. It is designed to provide protections to AI/AN children and families regardless of where they reside and therefore authorizes grant funding under Title II for Off-Reservation ICWA programs as well as the On-Reservation programs discussed above. In 1970, 38% of AI/AN individuals lived off-reservation;[ix] in the 2010 census, 67% of all individuals who identified as AI/AN alone lived off-reservation; and 78% of all individuals who identified as AI/AN and another race(s) lived off-reservation. [x] Indian children living outside of their tribal community are some of the most vulnerable Indian children given the challenges they face in staying connected to their culture and kinship networks.

When funded, the ICWA, Title II Off-Reservation grant program ensured that AI/AN children and families living in urban areas received the protections of ICWA and states had additional expertise and culturally appropriate services available to them. Specific services typically provided by ICWA, Title II Off-Reservation programs included recruitment of AI/AN foster care homes, case management, identification of at-risk families for services, and in-home services that help children stay in their homes or be reunified with their parents safely.

With an increasing number of AI/AN individuals living off-reservation, reinstating this funding would provide support to urban areas and other areas off-reservation where there is pronounced AI/AN density.

Child Assistance Funds

***Recommendation**: Increase Child Assistance appropriation request by $10 million to $35 million.*

Child Assistance Funds are provided through the Tribal Priority Allocations line item and authorized under the Snyder Act (25 U.S.C. § 13). Historically, appropriations have never exceeded $31 million and in FY 2012, the enacted level was $24.2 million.

These funds are critical because tribal governments have a responsibility to support the placements of AI/AN children under their jurisdiction that live on tribal lands and cannot safely remain in their homes. These funds are available to tribes to provide basic payments to support foster care, guardianship, and adoptive placements. Without these funds, tribes would have to place children in *unsubsidized* foster care, which often places a strain on those individuals—many of whom have few resources—willing to care for children who would otherwise have no home. Aside from Title IV-E, a program that is not feasible for every tribe, tribes have no other source of funding to support out-of-home placements that occur on-reservation.

In addition, tribes that are now pursuing administration of the Title IV-E program—which requires a significant tribal match to support program services and placements—will need some portion of these BIA funds to continue to serve tribal children who are not Title IV-E eligible, as well as to help meet the Title IV-E matching requirements.

While these funds are critical to tribes that receive them, not all tribes that need these funds have access to them. The BIA continues a policy of not making these funds available to tribes that they deem have access to other, similar types of services. This policy has created huge gaps in the ability of tribes to provide necessary child welfare services to their citizens that are under their jurisdiction and responsibility. It is for this reason that the allocations should be increased from $25 million to $35 million so that all tribes providing child welfare services can subsidize their out-of-home placements.

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[i] Hill, R. B. Casey-CSSP Alliance for Racial Equity in Child Welfare, Race Matters Consortium Westat. (2008). *An analysis of racial/ethnic disproportionality and disparity at the national, state, and county levels.* Seattle, WA: Casey Family Programs.

[ii] Summers, A., Wood, S., & Russell, J. (2012). Technical Assistance Bulletin: Disproportionality rates for children of color in foster care. National Council of Juvenile and Family Court Judges: Reno, NV.

[iii] National Indian Child Welfare Association & Pew Charitable Trusts (2007). *Time for reform: A matter of justice for American Indian and Alaska Native children.* Philadelphia, PA: Pew Charitable Trusts. Retrieved from http://www.nicwa.org/government/time-for-reform.pdf

[iv] United States Government Accountability Office (2005). *Indian Child Welfare Act: Existing information on implementation issues could be used to target guidance and assistance to states.* (GAO Publication No. 05-290.) Washington, DC.

[v] U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau (2011). *Child Maltreatment 2010.*

[vi] Black, M. C., & Breiding, M. J. (2008). Adverse health conditions and health risk behaviors associated with intimate partner violence—United States, 2005. *Morbidity and Mortality Weekly Report 57*(5), 113-117. Atlanta, GA: Centers for Disease Control and Prevention.

[vii] Budget documents provided by the BIA only show enacted funds of $10.85 million for the most recent fiscal year (FY 2012). Self-governance tribes, which comprise an increasing number of the total number of tribes, receive their share of these funds through a separate budget allocation mechanism for which the BIA does not provide specific numbers. However, the number of tribes receiving these funds and reported levels has not significantly changed over the last 10 years, which supports the assumption that the total enacted appropriation for this program is closer to $20 million.

[viii] U.S. Senate Report 95-597, page 19.

[ix] National Urban Indian Family Coalition (2008). Urban Indian America, The Status of American Indian and Alaska Native Families Today: A Report to the Annie E Casey Foundation. Washington: Seattle.

[x] Norris, T., Vines, P. & Hoeffel, E. M. (2012). 2010 Census Briefs: The American Indian and Alaska Native Population 2010. U.S. Census Bureau: Washington, DC.

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

We are going to try to stick to the 5-minute rule, because we are already running a little bit behind.

Dr. Rick Niederman, Director of the Center of Evidence-Based Dentistry and the Forsyth Institute.

WEDNESDAY, APRIL 24, 2013.

CENTER FOR EVIDENCE-BASED DENTISTRY, THE FORSYTH INSTITUTE

WITNESS

DR. RICK NIEDERMAN

Mr. NIEDERMAN. Thank you very much. I want to thank the committee for allowing us to testify, allowing me to testify for supporting oral health care, and for supporting oral health care for American Indians, Native Americans.

What I would like to do is really three-fold: thank the committee for their continuing support; I want to commend the IHS for their Early Childhood Caries Program; and third, I want to advocate for an extension of the Early Childhood Caries to elementary schools for a pilot program. So my plan is to share with you—to back up a little bit, to share with you about Forsyth and why I am here, give you a very high level view of the oral health care problem for Native Americans, American Indians, Alaskan Natives, and then offer a cost effective solution that we have already done in six states.

So by way of background, Forsyth is a century-old nonprofit Harvard-affiliated institute. It was founded 100 years ago to provide free care to Boston's poor kids. We did that for 50 years, and with the advent of community health centers, switched to looking at the causes of cavities and gum disease. So we spent 50 years figuring out that gum disease and cavities are preventable infections, and we figured out how to prevent the infections. So now in our third 50 years, we are taking that information back into the community. And as I just indicated, we have programs in Massachusetts, Maine, New Hampshire, Kansas, Colorado, and Hawaii. We think that the programs work. We have data that they work, and I will share that with you. We would like to move to Native Americans, American Indians, Alaskan Natives.

So let me shift to the data, and everybody has data, and everybody has different data, so I am going to cite two different sources. One is the Healthy People 2010 Initiative. So their finding is that for children between 6 and 12, 30 percent of Americans have untreated decays. Twice that many American Indians, Native Americans, Alaskan Natives have untreated decay. Five percent of those kids have acute infections and pain.

Last year, the Indian Health Service, in collaboration with Native Americans, Alaskan Natives, found that 6 to 8 year olds, 83 percent of kids have either untreated cavities or treated cavities. Again, way over the national average, twice the national average, and way over the Healthy People goals.

So what is the result of that? Well, any of you have had a toothache know that you cannot think, you cannot concentrate, and if you have 5 percent of the kids in a classroom who cannot think or concentrate are acting out. They are not learning and they are disrupting learning for everybody else in the classroom. They also are not eating well, and if you project forward 20 years, people that have cavities that are not treated lose their teeth. So if you look around the room at your committee members, my guess is that everybody has their front teeth, and they look pretty good. And if you were a committee member and you were missing a front tooth, your immediate reaction would be that there is something wrong with the person and that they are mentally challenged, that there is something wrong with them. Well, that is what happens when you do not have simple prevention that can occur in elementary schools. So you end up with poor self-image, and often unemployed.

So what are the solutions? The CDC has a number of solutions, the primary one being prevention, as you might suspect by the name of the Centers for Disease Control and Prevention. One of the things that is key for them is elementary school-based prevention. You have 6 years when children are learning. They are learning their ABCs, they are learning personal hygiene. They are learning self-efficacy, and learning good habits. They are learning skill sets that they carry with them for the rest of their life, so we are advocating, just like the CDC, for school-based prevention. And it is particularly important for kids, when they have distances from where they can get primary care.

So back to Forsyth and what we do and what we know. We know it is a grand pas and preventable infection, and what we have learned is that with common preventative techniques, that is, parachuting into a rural school with a dentist and a team, we can do dental exams, provide comprehensive prevention. By that, I mean a cleaning, fluoride, varnish, sealants, and temporary restorations. Time out of class is 15 minutes per period, so twice a year, 15 minutes, with a community care coordinator to help get those kids to care.

Now I think the biggest piece—let me give you a graph. The Y-axis going up and down is a percentage of kids with untreated case, so these are Title I schools for Massachusetts, and each circle represents one school. Each school is about 200 kids, so when we are going into Title I schools—these are not Indian schools, they are Alaskan Native. These are schools on the East Coast, but the numbers are similar to Native Americans, American Indians, Alaskan Natives. Sixty-seven percent of untreated decay. Six years later, the time it takes to get through elementary school, we have driven the percentage of kids with untreated decay down to 21 percent. So in 6 years, we can exceed the Healthy People 2020 goals prior to 2010. That is the effectiveness of the program.

So what we are requesting is that the committee consider extending the Early Childhood Caries Prevention Program to elementary schools, and providing $5 million for a pilot program.

So let me break down what that means: $5 million over 5 years for five reservations for about 5,000 kids total. That is $200 per kid per year, or $100 for prevention. That is about one quarter of the cost of a dental office practice, and our national data indicates that

what we currently spend does not move the needle on care for Caries. With this program, we can achieve healthcare's tripling aim of increasing access, reducing costs, improving health.

Thank you.

[The statement of Rick Niederman follows:]

Forsyth

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Written testimony submitted to:
House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
In support of Elementary School-Based Caries Prevention

by

Dr. Richard Niederman, Director, Center for Evidence-Based Dentistry
The Forsyth Institute

April 24, 2013

Dear Chairman Simpson and Members of the Committee:

Thank you for the opportunity to provide testimony on behalf of the Forsyth Institute (Forsyth) regarding the importance of elementary-based caries prevention within the Indian Health Service (IHS). This issue of oral health is important for all Americans, but particularly important and critical to the American Indian and Alaskan Native population. Forsyth is a century old, Harvard affiliated, non-profit organization focused entirely on oral and systemic health. In addition to being a global leader in oral health research and education, Forsyth created and runs the program ForsythKids elementary school-based, comprehensive, cavity prevention program. In this program an oral health team of a dentist, hygienists and dental assistants set up care facilities in schools using portable equipment and deliver comprehensive cavity prevention. The program is designed to fill the gap in dental care for at-risk children and ensure that they get preventative care as early as possible. The children enrolled in ForsythKids receive a dental exam, tooth cleaning, preventative care consisting of sealants, fluoride, decay-arresting temporary fillings and oral health education two times per year without ever leaving their school.

At the onset of the ForsythKids, 67 percent of children enrolled in ForsythKids had untreated cavities and 17 percent had acute infections or abscesses. Our studies show that this approach to care can exceed the goals of Healthy People 2020 prior to 2010 (see below). When viewed in the context of the goals set by Healthy People 2010, a national health promotion and disease prevention initiative managed by the U.S. Department of Health and Human Services, the ForsythKids program has already met and exceeded those goals.

Today, 10 million, or nearly 30 percent, of all U.S. school-age children have untreated tooth decay. This is five times more prevalent than asthma. In 2011-2012, to assess the oral health status of the American Indian and Alaskan Native elementary school population, the IHS coordinated a nationwide oral health survey of American Indian and Alaskan Native children in kindergarten, first, second and third grade. The results showed that 47 percent of American Indian and Alaskan Native children had untreated decay and 83 percent had caries experience, defined as instances of untreated

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cavities plus filled cavities. This compares with 45 percent of the general U.S. population of the same age. For point of reference, the Healthy People 2020 target for caries experience in 6-9 year olds is 49 percent. That means that in the next seven years, the rate of caries experience among the American Indian and Alaskan Native population will need to decrease by nearly 50 percent to meet this target.

HIHS Area	Decay			Untreated Decay		
	Percent	95	CI	Percent	95	CI
Aberdeen	86.4	82.	90.	58.1	52.	63.
Alaska	93.8	90.	97.	59.2	51.	66.
Albuquerq	90.0	87.	92.	44.2	38.	50.
Bemidji	82.4	75.	89.	53.6	45.	62.
Billings	86.3	82.	90.	48.3	40.	55.
California	82.5	73.	91.	56.9	46.	66.
Nashville	80.8	76.	84.	46.5	38.	54.
Navajo	91.6	88.	94.	55.5	42.	68.
Oklahoma	61.1	54.	68.	24.2	17.	31.
Phoenix	95.6	91.	99.	51.3	40.	62.
Portland	86.7	81.	91.	46.7	38.	55.
Tucson	82.0	78.	85.	61.6	52.	71.
IHS	83.1	81.	85.	47.4	43.	51.

I am here today to commend the IHS on its Early Childhood Caries program, and voice support for the expansion of this program to include elementary school-based prevention services.

Untreated Caries Have Long-Lasting and Detrimental Educational, Medical, and Social Effects

If left untreated, tooth decay can have serious consequences, including needless pain and suffering, difficulty chewing (which compromises children's nutrition and can slow their development), difficulty speaking and lost days in school. Furthermore, untreated decay increases school absenteeism and impairs classroom learning, since children with an acute toothache cannot pay attention in school or keep up with their peers academically. Worse, 5 percent of children with untreated decay have sepsis, which has the potential to be fatal.

Looking at the long term, oral health problems that start as a child often extend to adulthood. Visibly missing or decayed teeth are the outward markers of a "caste" system, connoting low educational achievement, faulty intellectual development, and poor parenting. Decayed and missing teeth are noticed almost immediately in a face-to-face encounter. Poor projected image contributes to the "death spiral" of unemployment and lack of affordable and accessible health and dental care, and perpetuates one initiating problem - unemployment. Conversely, good dentition is important for good nutrition, systemic health, educational success and normal social interactions.

Clinical Solutions for Caries Prevention

Clinically and cost-effective caries prevention methods are available and have been endorsed by the Centers for Disease Control and Prevention (CDC), the Task Force on Community Preventive Services, the American Dental Association, and the American Academy of Pediatric Dentistry. It is clear from systematic reviews and from high-quality, large scale or long-term, randomized controlled trials that incidences of dental caries can be reduced significantly by use of fluoride varnish and toothpaste, sealants and glass ionomer, and interim therapeutic restorations. Preventive intervention programs can reduce the caries incidence by 40 percent to 80 percent, and their success supports targeting these interventions to high-risk populations

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and providing comprehensive prevention. These studies also indicate that these preventive measures are both clinically and cost-effective. Estimates range from two to 10-fold savings in health care costs for prevention, compared to treatment.

School-Based Caries Prevention Programs are Effective

To overcome the lack of access to office-based preventive care, the CDC has long recommended school-based caries prevention programs. The CDC's view is that school-based caries programs are especially important for reaching children from low-income families who are less likely to receive dental care in clinics. The CDC specifically acknowledges that untreated tooth decay results in pain and negatively affects learning. To circumvent barriers to office-based care, this program focuses on school-based care.

Elementary schools are a particularly useful age to begin school-based prevention. This is because during the elementary school years children loose their baby teeth and the permanent teeth emerge. Therefore, protecting the newly erupting teeth prior to initiation of new caries is critical for prevention. Second, this protection begins to shift the disease related oral ecology to a healthy oral ecology. Third, this is also a period when children begin to learn self-efficacy and self-sufficiency along with personal hygiene. Therefore, oral hygiene becomes part and parcel of the learning agenda. Finally, seeing children twice a year in school over the elementary school year offers at least 12 opportunities to protect the teeth, change the ecology, and instill life-long personal hygiene habits with peers.

Although there is clear evidence that caries prevention programs are effective, they are often not implemented or they are delivered only incrementally (e.g., education only; provision of only fluoride varnish, but not sealants; or prevention to only 2nd and 6th grades). For example, the USDHHS "Healthy People" data indicate that in 2010, only 25 percent of children who needed sealants actually received them. That still leaves 75 percent of the population untreated. Thus, there is a clear gap between what we "know" and what we "do". By proposing to increase program reach and implement comprehensive caries prevention to American Indian and Alaskan Native elementary school grades twice per year, we believe this program can exceed the goals of Healthy People 2020, prior to 2020.

The ForsythKids Elementary School-Based Comprehensive Caries Prevention Model

ForsythKids is a model for the school-based caries program. All interventions are supported by guidelines and/or systematic reviews from the CDC, the American Academy of Pediatric Dentistry, and/or the American Dental Association.

Prevention protocol

First, the program has prevention protocol. Children with informed consent receive in-school dental examinations twice per year. Dental hygienists provide primary prevention including prophylaxis, glass ionomer sealants and interim therapeutic restorations as needed. Fluoride varnish, toothbrush, fluoride toothpaste, and health education are also provided. A community health care coordinator facilitates referral of children with emergent or restorative needs to the

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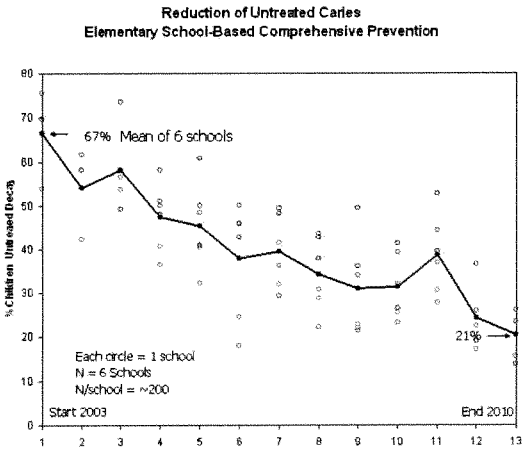
local community health center or dentist.

Reduction in untreated caries

At baseline, 67 percent of children had untreated decay. At 6 years this was reduced to 21% by providing twice yearly comprehensive caries prevention. This result exceeds the Healthy People 2020 goals prior to 2010.



IHS Early Childhood Caries Program

The IHS currently runs the Early Childhood Caries Collaborative, which is a multi-faceted program designed to enhance knowledge about early childhood caries prevention and early intervention among not only dental providers, but also all healthcare providers and the community. The ECC Collaborative has brought great results to the American Indian and Alaskan Native population, but there is more work to be done. By extending this program to include elementary school-based prevention and treatment similar to that provided by ForsythKids, the IHS can significantly reduce tooth decay and the associated health, social and economic risks. Including $5,000,000 for a pilot program for extension of the ECC Collaboration into a school-based caries prevention program on Indian Reservations throughout the nation would demonstrate the clinically and cost-effective nature of the ForsythKids in-school model, and provide an example for further expansion. Such expansion would be a relatively low cost method of meeting and ultimately exceeding the Healthy People 2020 goals for tooth decay in the high-risk American Indian and Alaskan Native population.

Thank you for the opportunity to present this testimony to the Subcommittee. And thank you for your leadership and support on these critical issues. As you deliberate appropriate funding levels for these programs, please consider the important public policy implications these choices entail.

Mr. CALVERT. I thank the gentleman.

Next, Dr. Heather Shotton, President of the National Indian Education Association.

WEDNESDAY, APRIL 24, 2013.

NATIONAL INDIAN EDUCATION ASSOCIATION

WITNESS

DR. HEATHER SHOTTON

Ms. SHOTTON. Good morning. Thank you, Chairman Calvert, Ranking Member Moran, and members of the subcommittee. Thank you for convening this important hearing and inviting the National Indian Education Association to the table once again to testify. Again, my name is Dr. Heather Shotton, and I am the President of NIEA, and a citizen of the Wichita and affiliated tribes.

On behalf of NIEA, I am grateful for the opportunity to provide testimony, and with respect to others who are testifying today, I will only highlight a few of our budget recommendations and other Native education concerns, but I respectfully request that you utilize my written testimony for NIEA funding recommendations.

Mr. CALVERT. All of the testimony is——

Ms. SHOTTON. NIEA understands the current fiscal climate; however, without sustained or increased funding for Native education programs, increasing achievement rates among Native students and achieving parity for Native education will prove extremely difficult. Indian education is currently in nothing less than a state of emergency. Native children experience large disparities in academic achievement, and our students face some of the lowest high school graduation rates in the country. The situation is increasingly dire for Bureau of Indian Education schools.

Underlying this issue is the poor condition of many of these schools. Schools operated within the BIE system are woefully outdated, and in some cases, dangerous. More than 60 BIE schools are rated in poor condition currently, according to the 2009 BIE index. This puts our students at an unfair disadvantage, and students cannot be expected to succeed in school environments that are often dilapidated and unsafe.

Full funding is imperative; therefore, NIEA requests total construction funding to be appropriated at $263 million for the fiscal year 2014. In February, you all know that I testified on the need to increase funding for BIE school replacement construction; however, in the recently adopted Continuing Resolution and in the President's 2014 budget request for the BIE, the entire program was eliminated.

NIEA requests this subcommittee to reinstate the $17 million appropriated in the fiscal year 2012, and strengthen this crucial program by increasing funds so our Native students have the opportunity to attend safe and structurally sound schools. In addition to construction funding cuts, the President's budget request would also reduce the Indian School Equalization Program, or ISEP funds, by $16.5 million. ISEP provides the core budget account for

BIE elementary and secondary schools by covering teacher salaries, aids, principals, and other personnel. ISEP funds are also often reallocated to cover the program cuts and other areas of education. Current budget constraints and funding other programs or initiatives should not decrease critical ISEP funds. NIEA requests ISEP be funded at $431 million to ensure program needs are fulfilled.

NIEA appreciates the $9.8 million increase in contract support costs, the funding over 2012; however, $231 million is still below the target of the $242 million needed for BIA contract support funding in fiscal year 2014. Furthermore, NIEA opposes the Administration's 2014 proposal to impose significant changes in the BIE by moving line item funding for CSCs to a separate account from the operation of Indian programs. No change should be implemented until there has been thorough consultation and studies undertaken jointly by federal agencies and Native partners. Congress should maintain the status quo until tribally developed changes in CSC funding mechanisms, if any, can be included in the fiscal year 2016 budget. During the interim, NIEA calls upon this subcommittee to conduct oversight hearings.

In a March 25, 2013, letter to this subcommittee former Department of the Interior Secretary Ken Salazar explained that based on the 2012 broader assessment, the BIE will soon implement a reorganization of its administrative functions. The realignment is expected to focus on providing more efficient, regional, and locally driven support for decentralizing certain administrative functions from BIE headquarters here in D.C.

NIEA understands the bureaucratic entanglements in the BIE, but requests sufficient resources for proper oversight to guarantee consistent, transparent communication between tribal partners and federal officials during this realignment. There must be adequate measures in place locally and in Washington to ensure this reorganization fulfills its expectations. There should be opportunities to include parent, teacher, employee, and tribal comments throughout the process and upon completion of the transition. Native partners should also have a chance to provide comments on any realignment-based office closures, as well as staffing transitions. Additionally, there should be procedures in place to ensure consistent access to information so the transition can be as seamless as possible. We ask this subcommittee to provide oversight to ensure administrative costs and bureaucracy are actually decreased, while increasing services.

Mr. Chairman and subcommittee members, NIEA appreciates your work to protect funding for Native programs and your continued dedication to improving our communities and protecting Native education. We look forward to working with you to strengthen native education programs and to protect vital funding that will help achieve educational parity for our native students. [Speaking native language.]

[The statement of Heather Shotton follows:]

Testimony of Dr. Heather Shotton, President

American Indian and Alaskan Native Public and Outside Witness Hearing

Before the House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies

Wednesday April 24, 2013
B-308 Rayburn House Office Building

Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, thank you for convening this hearing. I am Dr. Heather Shotton, President of the National Indian Education Association (NIEA), and a citizen of the Wichita & Affiliated Tribes. On behalf of NIEA, I am grateful for this opportunity to provide testimony and answer any questions you may have.

Founded in 1970, NIEA's mission is to advance comprehensive educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. We accomplish this by viewing education as an integrated system consisting of federal, tribal, public, and private partners who coordinate at the federal, state, local, and tribal levels. Our collective membership of educators, tribal leaders, researchers, school administrators, teachers, parents, and students stands over 2000 strong. These education partners work together to ensure Native students have the same opportunity for effective learning and success as their non-Native peers. In support of this vision, NIEA also advocates for the inclusion of traditional Native languages, cultures, and values that enable Native learners to become contributing members of their communities and strengthen Native participation in education.

State of Native Education

Native education continues to be in nothing less than an ongoing state of emergency. Native children experience large disparities in academic achievement and educational attainment: reading and math scores are substantially lower than those of other groups and Native students face some of the lowest high school graduation rates in the country.[i] Fewer Native students enroll in college, and even fewer graduate.[ii] The situation is increasingly dire in Bureau of Indian Education (BIE) schools. During the 2010-2011 school year, the BIE's graduation rate stood at just 59 percent and barely one-third of students performed at proficient/advanced levels in language arts and mathematics.[iii]

NIEA understands the current fiscal climate. Without sustained or increased funding for Native education programs from Congress, however, increasing achievement rates among Native students and achieving parity for Native education will prove difficult. The following funding levels are crucial to ensure that education programs serving our students are successful.

Department of the Interior: Recommendations

***School Construction and Repair*: $263.4 million**

This funding category includes school construction, facilities improvement and repair. Schools operated within the BIE system are woefully outdated and in some cases, dangerous.

Currently, more than 60 BIE schools are rated in "poor" condition according to the 2009 BIA index of schools in poor condition. This puts Native students at an unfair disadvantage with their peers. Students cannot be expected to succeed in environments that are often dilapidated and unsafe. Further, decreased funding and moratoriums for new construction cause construction project backlogs. The federal government must uphold its trust responsibility to Native education and fully fund school construction and repair projects.

***BIA School Replacement Funding*: $17+ million**
On average, BIE education buildings are 60 years old, while the average age of public schools serving the general population is 40 years old. A recent Department of the Interior (DOI), Office of Inspector General Report found that the dilapidated condition of BIE schools has "the potential to seriously injure or kill students and faculty." As in the 2013 budget, the President's FY 2014 budget request for the Bureau of Indian Affairs (BIA) requested no funding for school replacement funding. The elimination of this program is unacceptable. NIEA will work with and ensure that Congress provides funding to this vital program. NIEA requests this Subcommittee reinstate the $17 million from FY 2012 and increase the program's funds so our Native students have the same opportunity as their non-Native peers to attend safe, structurally sound schools.

***Johnson O'Malley*: $36 million**
The Johnson O'Malley program has provided grants to supplement basic student needs since 1934. It is currently being used across the country in innovative ways to assist with the unique cultural and scholastic needs of Native students. Full funding is critical because current funding provides less than $50.00 per student. These funds are often the only source through which Native students – including those in public schools – can engage in basic activities expected of all American students. Some examples include, but are not limited to, field trips, school supplies, and even the acquisition of musical instruments for use in classrooms.

***Tribal Education Departments*: $5 million**
This funding assists Tribal Education Departments (TEDs) that are administered by tribes, in implementing innovative education programs that directly improve Native education. This funding allows TEDs to develop academic standards, assess student progress, and create math and science programs that require high academic standards for students in tribal, public, and BIE schools. Tribes utilizing self-governance over education have been very successful because they better understand the circumstances of their populations. Adequately funding TEDs would create the most return on federal dollars spent.

***Student Transportation*: $73 million**
BIE schools incur significant costs in transporting Native students to and from school. These costs are considerably higher than most school systems due to the often-rural location of the facilities. Poor road conditions that link the BIE-funded schools increase vehicle maintenance costs. These high costs often lead to funding shortfalls, which then must either go unpaid or funded by diverting funds from other education programs. Therefore, increased funding is critical.

***Facilities Operations*: $109 million**

These funds are used for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services, and other vital operating expenses. For years, schools have only received roughly 50% of funding needed for these expenses. This is unacceptable as costs continue to rise for vital services.

***Facilities Maintenance*: $76 million**
These funds are utilized for the preventative and routine upkeep, as well as unscheduled maintenance of school buildings, grounds, and utility systems. Underfunding of maintenance continues to be an issue as buildings are in poor conditions and cannot maintain proper standards. Therefore, funding increases to the requested amount are necessary.

***Indian School Equalization Program (ISEP)*: $431 million**
These funds provide the core budget account for BIE elementary and secondary schools by covering teacher salaries, aides, principals, and other personnel. ISEP funds are often reallocated to cover the program cuts in other areas of education. In the President's FY 2014 budget request, the BIE would face a $16.5 million reduction to ISEP funds. While NIEA understands the need to constrict budgets, funding other programs or initiatives during these economic times should not decrease ISEP funds. These funds are critical to our students and must be protected. NIEA requests ISEP Funds have adequate funding to ensure program needs are fulfilled.

***Tribal Colleges and Universities (TCUs) (Title I of Tribally Controlled Colleges and Universities Assistance Act)*: Fully fund Title I at $77.3 million**
TCUs require this $77.3 million funding level for operational costs. TCUs currently account for 37 schools, with enrollment numbers that often strain funding levels. Because of inadequate funding, federal dollars spent for each student has actually declined by nearly $1,000 in recent years. Inadequate funding for tribal colleges and universities detract from the education Native students can achieve.

***Tribal Grant Support Costs*: $73 million**
Tribal Grant Support Costs funds the administrative costs of existing tribally operated schools. They also help tribes expand self-governance and tribal control over education programs by allocating monies for administrative costs – accounting, payroll, and other legal requirements. The current funding levels only pays 65% of the current need and must be maintained or increased during budget negotiations. Cuts must be avoided. Otherwise, schools must then divert critical funding to cover any shortfalls.

***Contract Support Costs:* $242 million**
NIEA opposes the Administration's FY 2014 proposal to impose significant changes in the BIA by moving line item funding for contract support costs to a separate account from the Operation of Indian Programs. In total, $231 million is provided for contract support costs (CSC), an increase of $9.8 million over FY 2012. However, that total is still below the target $242 million requirement for BIA contract support for FY 2014.

Altering the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of CSC dollars is unacceptable. CSC funding is essential to the operation of

contracted federal programs administered under federally issued indirect cost rate agreements. No change of such a fundamental character should be implemented until there has been thorough consultation with Native partners and studies undertaken jointly by the Indian Health Service, the BIA, and tribal leaders. Consultation must also permit ample opportunity for full tribal participation. NIEA and our Native partners believe that overall statutory caps on CSCs should be eliminated. However, Congress should maintain the status quo for statutory language enacted in FY 2013 until any tribally-developed changes in CSC funding mechanisms, if any, can be included in the FY 2016 Budget. During the interim, NIEA calls upon the Congressional committees to conduct oversight hearings on CSCs.

BIA Reorganization

In a March 25, 2013 letter to this Subcommittee, DOI Secretary Ken Salazar explained that based on the 2012 Bronner Assessment, the BIA will soon implement a reorganization of its administrative functions. The realignment will focus on providing more efficient, regional and locally-driven support by decentralizing certain administrative functions from BIA Headquarters in Washington, D.C.

NIEA understands the bureaucratic entanglements in the BIA and how government inefficiencies often inhibit the quick resolution of problems at the local level. NIEA requests sufficient resources for oversight to guarantee consistent and transparent communication between tribal partners and federal officials. There must be measures in place locally and in Washington to ensure this realignment fulfills its expectations and provides increased services for BIE schools and Native students. There should also be opportunities to include parent, teacher, employee, and tribal comments throughout and upon completion of the transition.

NIEA understands the current budget constraints affecting the federal government. However, this realignment must increase services to our students. Tribes should have a chance to provide comments on any realignment-based office closures as well as staffing transitions. There should be procedures in place to ensure tribal access to information to ensure as seamless a transition as possible for our Native students attending BIE schools. NIEA stakeholders have witnessed Bureau-led realignments in the past and any restructuring must guarantee administrative costs and bureaucracy are decreased.

As recently as 2010, Theodore L. Hamilton, a BIE superintendent, detailed the 165% growth of bureaucracy in the BIE management budget between 2005 and 2010. NIEA hopes this realignment does in fact increase efficiency and local-level communication, while providing better support for our students and safeguarding from increasing administrative costs.

Conclusion

Mr. Chairman, Ranking Member Moran, and Subcommittee members, NIEA appreciates the Subcommittee's past and present dedication to improving Native communities and protecting Native education. With your support and through our continued collaboration, NIEA is hopeful that Congress and our federal partners will protect and strengthen programs and funding that ensures parity for our Native students. With an educated citizenry, Native communities will have the opportunity to thrive and succeed in an increasingly competitive global marketplace.

[i] U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2005, 2007, and 2009 National Indian Education Study.
[ii] US Census Bureau, American Community Survey 2005-2009 estimates.
[iii] Bureau of Indian Education, "Bureau-Wide Annual Report Card, 2010-2011."

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

Next, Quinton Roman Nose, Executive Director of Tribal Education Departments National Assembly.

WEDNESDAY, APRIL 24, 2013.

TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

WITNESS

QUINTON ROMAN NOSE

Mr. ROMAN NOSE. [Speaking native language.] Good morning. Today I am representing the Tribal Education Departments National Assembly, also known as TEDNA, a national nonprofit organization for tribal education departments and agencies. TEDs are an executive branch of American Indian governments responsible for tribal education.

I want to introduce myself. My name is Quinton Roman Nose. I am Cheyenne. I am a citizen of the Cheyenne Arapaho tribes, and I got to tell you real quickly, my Indian name is Mano McCloud, and I tell you that because my great-grandfather, his Indian name was Roman Nose, and he was here over 100 years ago. He was a captured war hero in Oklahoma, sent to prison in Fort Marion, later Captain Pratt brought him to Hampton along with other warriors, and they came to Congress and they asked for money to establish Carlisle Indian School. And so it is with that spirit of wanting to partner to improve the education of our Indian students that I am here today.

So TEDNA requests $2 million for TEDs and the Department of Interior for the fiscal year 2014. Funding would be used to direct education services to approximately 700 American Indian and Alaskan Native students across the country. Funding for TEDs through the Department of Interior has been authorized in Title X of the ESEA, also known as No Child Left Behind, since 1988, 25 years ago. It has never been appropriated. It has been authorized and never appropriated. In fact, despite important role of TEDs in American Indian education, tribal governments receive very little funding from the Federal Government for education. Tribes are not eligible for the majority of federal education funding and ESEA allocated for American Indian education.

Most of the funding for programs serving American institutes goes to states. Indeed, over 92 percent of American Indians are in public schools, and the rest of them are in BIE and parochial schools. Current federal education policy effectively excludes tribes from meaningful participation in all schools serving American Indian students. Meanwhile, American Indian education is in a state of crisis. I am not going to go through all the data on dropout rates, success rates and absenteeism, expulsion. You can find that.

For over 30 years, the policy of Indian education self-determination has proved that federal programs better American Indian communities when operated when American Indian tribal governments, yet it is not applied in education. It is time for the policy of self-determination is adopted in the area of American Indian

education. In 2012, when Congress for the first time appropriated TEDs for funding in the U.S. Department of Education, the funding was used to support State Tribal Education Partnership Program, also known as STEPP program, in which tribes and states combined resources to implement ESEA programs for public schools located on Indian reservations. These four grantees are currently implemented and supported the type of tribal/state relationships that we want for Indian education and tribal leaders who have long called for a meaningful way to improve Indian education.

Yet there is an opportunity to do more. TEDs across the country need additional support. They would be used to request $2 million from Interior appropriations to fulfill the original intent of the '88 authorizations.

Moreover, tribal funding is targeted to critical immediate needs such as scholarships, student clothing, and other needs. Federal funding is needed in order for tribes to engage in core education areas. Tribes with the resources to do so have shown remarkable success. In recent publications, Hoopa Valley, Rosebud Sioux of South Dakota, Jemez TED in New Mexico, the Chickasaw Nation of Oklahoma, and their various projects have shown improvement that they have actively changed the success of their Native American students. Federal support is needed to assist tribes in implementing these programs and other programs that will improve education. TEDNA encourages the subcommittee to appropriate funding for Department of Interior to support the role of TEDs in schools serving American Indian students. This would begin and implement policy of self-determination for American Indian education, and further the United States trust responsibility in Indian students.

Furthermore, I want to say the STEPP program is not available to the BIE-funded schools, because they are not receiving direct federal funding. But also, I wanted to add that you heard testimony about the construction of the schools. You know, that has been a sore spot for Indian education and schools and reservations for a long time. We will ask that the committee here look at the BIE and ask them to be more of a standalone bureau. I can tell you that the non-success of the school program was because of bureaucracy which is happening in the BIE. I can see public schools in Oklahoma where I am from that go up in less than a year. In BIE, it takes years to build a building. So I ask that you look at BIE to be a standalone agency.

I have other things to say, but it is in my written testimony. Thank you very much.

[The statement of Quinton Roman Nose follows:]

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Dr. Wayne Johnson, *Muscogee Creek Nation*
Norma Bixby, *Northern Cheyenne Tribe*
Joseph Davalos, *Suquamish Tribe*
Patricia Whitefoot, *Yakama Nation*

United States House of Representatives, Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies

TEDNA Testimony Requesting FY '14 Funding for Tribal Education Departments/Agencies

April 15, 2013

The Tribal Education Departments National Assembly ("TEDNA") is a national non-profit membership organization for tribal education departments/agencies ("TEDs/TEAs"). TEDs/TEAs are executive branch level agencies of American Indian tribal governments responsible for tribal education matters. TEDNA respectfully requests $2 million for TEDs/TEAs in the Department of the Interior, Environment, and Related Agencies appropriations bill for Fiscal-Year 2014. The funding would be used to provide direct education services to the approximately 700,000 American Indian and Alaska Native ("AI") students, served by the over 200 TEDs/TEAs located in 32 states across the country. Funding for TEDs/TEAs is authorized in the No Child Left Behind Act of 2002, Title X, Section 1140 (25 U.S.C. Sec. 2020). Funding for TEDs/TEAs through the Department of the Interior (DOI) has been authorized since 1988 but has never been appropriated.

In fact, despite the important role of TEDs/TEAs in American Indian education, tribal governments and TEDs/TEAs receive very little funding, if any at all, from the federal government for education. There are two funding authorizations for TEDs/TEAs in the No Child Left Behind Act for the Departments of Interior and Education. Tribes are not eligible for the majority of federal education funding – even the funding allocated for American Indian education. As a result, state governments receive the majority of federal education funding and manage the bulk of schools and education programs serving AI students. Indeed, over 92% of AI students attend public schools. 740 of those public schools are located on Indian reservations. The remaining 8% attend federal Bureau of Indian Education or parochial schools. The current federal education law, policy, and funding scheme exclude American Indian tribes and TEDs/TEAs from meaningfully participating in all schools serving AI students.

TEDNA works on several levels to change this by amending law and policy in ways that

increase the role of TEDs/TEAs in American Indian education. Over 30 years of the policy of Indian self-determination has proven that federal programs better serve American Indian communities when operated by American Indian tribal governments. It is time the policy of self-determination is adopted in the area of American Indian education. On behalf of tribal leaders, educators, and students, we respectfully request this Subcommittee to support AI students and Indian self-determination in education by providing $2 million for TEDs/TEAs to increase their role in schools serving AI students.

JUSTIFICATION FOR TED/TEA FUNDING

American Indian education is in a state of crisis. *The national dropout rate of AI students is double that of their non-Indian peers. In some states the high school dropout rate of AI students is over 50%. AI students drop out of high school at a higher rate and score lower on achievement tests than any other student group. AI 8th grade students are 18% more likely to read or perform in mathematics at a "below basic" level than their non-Indian peers. AI students also have the highest rates of absenteeism, suspension, and expulsion.*

Congress recognized the dire need to change American Indian education policy in 2012, when for the first time in history, Congress appropriated funding for TEDs/TEAs in the Department of Education. The funding was used to support the State-Tribal Education Partnership Program, known as the STEP program, in which, tribes and states through cooperative agreements combine resources to implement Elementary and Secondary Education Act (ESEA) programs in public schools located on Indian reservations.

Four tribal-state partnerships were awarded STEP program grants. The Nez Perce Tribe and the State of Idaho's partnership to build capacity of the Nez Perce Tribe to participate in ESEA school improvement plans, host joint meetings regarding education matters, and engage Indian parents and communities in public school curriculum and activities by developing and applying culturally responsible principles to encourage graduation. The Navajo Nation and the State of New Mexico's cooperative agreement to improve data collection regarding Navajo Nation students and develop a culturally relevant professional development program tied to common core standards. The State of Oregon and the Confederated Tribes of the Umatilla Indian Reservation are working to transfer to the Umatilla TEA the development of school policies, provision of technical assistance, collection, analysis, and reporting of performance and program evaluation data, and generally, working to transfer implementation of ESEA school improvement plans from the Oregon State Education Agency to the Umatilla TEA. In Oklahoma, a consortium of the Chickasaw Nation and the Cheyenne and Arapaho Nation TEAs are working with Oklahoma to transfer to the TEA consortium ESEA state administered functions in Title I, Part A, Title II Part A, and 21st Century Community learning Centers formula grant programs – some of the largest ESEA programs. These four projects are currently being implemented and we look forward to learning about their positive impact on AI student outcomes.[1] These projects support the type of tribal-state-federal partnerships Indian educators and tribal leaders have long called for as a means to improve AI education.

[1]See, *STEP 2012 Awards*, http://www2.ed.gov/programs/step/awards.html for more information regarding the STEP program.

TEDNA encourages this Subcommittee to appropriate TED/TEA funding for DOI to support more work in the area of tribal-state education cooperative agreements and to increase the role of TEDs/TEAs in schools serving AI students. This would begin to implement the policy of self-determination in American Indian education and further the United States' trust responsibility to AI students.

TEDs/TEAs across the country would use the requested $2 million to fulfill Congress' original intent in the 1988 DOI TED/TEA authorization. They would coordinate education programs; develop and enforce tribal education codes, policies, and standards, and culturally relevant curriculum and assessments; and, provide support services and technical assistance to schools and education programs on Indian reservations, including maintaining and sharing electronic data regarding AI students, coordinate federal education programs with schools and states, and institute programs to increase graduation rates and post-secondary school readiness.

This additional funding to support TEDs/TEAs is desperately needed. Currently, most TEDs/TEAs operate on extremely small budgets provided annually by tribal funds generated from non-federal sources. They may receive limited federal funding for specific contract, grant, and program administration. Tribal funding, if any, may be earmarked to meet critical immediate needs such as scholarships or student clothing and school supplies. This means that TEDs/TEAs do not have funds for operational expenses and staff to conduct education research and planning, or to develop tribal education initiatives and materials like truancy and tutoring programs. Further, lack of funding limits TEDs/TEAs ability to create a culturally sensitive and sound curriculum or develop culturally based assessments. Funding is not available to support an increased role of AI parents, teachers, and tribal leaders in schools serving AI students. These are the core areas of education that tribes need to impact in order to "change the numbers" and close the reported achievement gaps. Some Tribes are able to annually fund TEDs/TEAs, but most tribes need federal financial support to move beyond administering scholarships and supplemental education contracts and grants, and to be involved directly in the core areas of education.

Investment in TEDs/TEAs is sound federal policy. TEDs/TEAs have already proven that they are capable of improving AI student outcomes. For example, the Hoopa Valley Tribe TED of California operates a learning center that works with at risk students. The TED identifies K-12 students at risk, pairs the students with mentors, and develops student-learning plans. Students are tutored in target academic areas and coached in life skills. *This program alone has improved student academic performance by two letter grades in core academic areas.* The Rosebud Sioux Tribe TED of South Dakota *decreased student dropout rates by 30%* by operating tutoring services and afterschool math and reading programs. The Pueblo of Jemez TED located in New Mexico works closely with the Walatowa Charter High School, a Jemez Pueblo culture-based, early-college, state-chartered, school located on Pueblo land. *Its graduation rate is 89.4%, dramatically higher than the state wide Native American average graduation rate of 49%.* The Chickasaw Nation of Oklahoma has a science, technology, and math program that serves approximately 250 Chickasaw students. *90% of senior students participating in the program enroll in college.* Nicki Wilson is a specific example of how a TED can improve the life and education of AI's. Nicki Wilson is a Cherokee Nation citizen, who is a recipient of Cherokee Nation financial aid and educational counseling. Nicki went back to college at the age of 50 after

recovering from substance abuse issues. She turned to the Cherokee Nation for support. The Nation provided her with academic advisors who shared her cultural background, and provided financial aid and educational support services. She will graduate this May with an Associates Degree in Psychology and plans to pursue a master degree. Nicki says, "because of Cherokee Nation, I do my best in all my classes and so far have maintained a 3.9 or better. I believe it's because of the support I have been given [by the Nation]."[2] However, tribes alone cannot sustain and expand vital education programs. Federal support is needed to assist these and other tribes across the country to implement similar programs to improve AI student outcomes.

TEDs/TEAs would use the $2 million to provide direct services to AI students. TEDNA respectfully requests your support in providing $2 million for TEDs/TEAs in the Department of the Interior, 2014 Appropriations Bill for the Interior, Environment, and Related Agencies. Should you have any questions, please contact TEDNA's Attorneys, Joel West Williams, Staff Attorney, Native American Rights Fund at (202) 785-4166 or Williams@narf.org or Matt Campbell, Staff Attorney, Native American Rights Fund at (303) 447-8760 or mcampbell@narf.org.

[2] See, *TEDNA TED Report 2011*, http://www.niea.org/data/files/tedna%202011%20teds%20report.pdf for more information regarding the work of TEDs/TEAs.

Mr. CALVERT. Thank the gentleman for his testimony.

Next, Bambi Cross, President of the National Association of Tribal Historic Preservation Officers.

WEDNESDAY, APRIL 24, 2013

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

WITNESS

D. BAMBI KRAUS

Ms. KRAUS. Good morning. Thank you very much, Chairman Calvert, and members of the subcommittee. I am here representing the National Association of Tribal Historic Preservation Officers. I am based here in Washington, D.C., and I am a member of the Tlingit Tribe from Kake, Alaska. And I would like to thank the committee for your annual hearing. I think for you to hear directly from Indian country on these Federal programs that describe, you know, our personal lives is greatly appreciated. I think these are some of the most interesting hearings on Capitol Hill, quite frankly.

The National Association works with the tribes that operate tribal historic preservation offices. We call them THPOs, and right now there are 142 from Alaska to Florida, and from Maine to California, so California has the greatest number of THPOs. For example, over 25 tribes are participating in this program. They were authorized by the 1992 amendments to the National Historic Preservation Act, and so that is rather late in the historic preservation field. Last week the committee heard public witnesses on the National Park Service's program that operates this particular support program, and that is the Historic Preservation Fund. So the NATHPO is requesting at least $10 million for the tribal line item of the Historic Preservation Fund of the National Park Service.

I actually think that this might be the most successful Federal program going right now. It started with 12 programs in 1996, and now it is up to 142, but the past five years has been an incredible growth. It went from 79 to 142. And the issue is not so much the success, and I am sure Congress intended this program to be successful. It is just keeping pace with the number of tribes participating in the program. And it is a very successful program, and the Park Service has entered into these agreements with the tribes to preserve and protect historic properties on tribal lands and off tribal lands. Right now, in fiscal year 2013, the average grant will probably be below $60,000, and that is for one tribe to operate an entire historic preservation program. The highest was over $140,000 10 years ago, but as more tribes come into the program, it makes the pie that much smaller for each of them.

I just wanted to point out also that there are some serious disparities between the state historic preservation officers and the tribal historic preservation officers. There are 56 SHPOs, and that includes in the Territories, if you are wondering how do you get to 56 States. And at one point all the Territories, and I am talking about Guam, Northern Marianas, Puerto Rico, were receiving more than 31 Indian tribes. So six state historic preservation officers

were receiving more than all the Indian tribes going in the country, and the smallest territory still receives about twice as much as the largest Indian tribe. So, for example, Guam receives twice as much as the entire Navajo Nation, which has 17 million acres. So there are still existing disparities there.

Some of the comments I have heard, in terms of operating the program, and why tribes, you know, perhaps are not getting the attention that they deserve is that the tribes are not required to match this grant from the Park Service, but the tribes are matching the program. I mean, at $60,000, you cannot operate a program without a tribal match. So I want to point out that it might not be mandatory for the match, but tribes are actually doing so. And another point I have heard is that the tribes do not have to participate in the tax credit program. Well, one thing that you need for a tax credit program to work is you actually need infrastructure, and something to write off your taxes for development. So, I mean, it is hard to, you know, understand how tribes can be held to that level, especially with a serious lack of funding.

And then the last item I just have been urged to bring up is that the SHPO funding formula actually includes a tribal land base. And so the State of Montana, part of their funding formula includes the tribal lands for the State of Montana. It is just something that could use some attention in the near future.

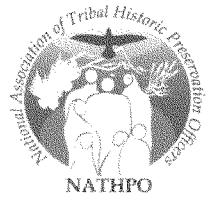
The only other Federal program that tribes can really utilize to preserve and protect is the Native American Graves Protection and Repatriation Act. That is also operated out of the Park Service. And I just want to bring one example of the need, again, for more attention to this program is that there was a recent auction just 2 weeks ago in Paris, France of over 70 ceremonial masks from the Hopians Indian tribe that were allowed to go forward overseas, in France. And our organization had requested the administration look into whether or not these items were actually stolen, or could the auctioneers actually prove right of possession that would allow them to auction these off to the highest bidder in Paris?

Unfortunately, we were not successful in that effort, but there are examples of why enforcement money is needed for the Native American Graves Protection and Repatriation Act. If there had been some enforcement funds, we could have, you know, tried to stop this, or we could at least, you know, make sure that they had the right to possession to auction those off.

And just to wrap up, I want to just say that even though the THPO grants and the NAGPRA grants are the only two main sources of funding for tribes, the Bureau of Indian Affairs should also have its own tribal line item, because right now they have responsibilities to comply with Federal laws, and yet they have no distinct line item for this purpose, for in-house work or for tribal work.

So thank you very much for your time.

[The statement of D. Bambi Kraus follows:]



NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS
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Contact: D. Bambi Kraus, NATHPO President April 24, 2013

Testimony to the House Appropriations Subcommittee on the Interior, Environment and Related Agencies Budget, Fiscal Year 2014

The National Association of Tribal Historic Preservation Officers (NATHPO) submits testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies on the Fiscal Year 2014 budget (suggested dollar amount in parenthesis).

1. National Park Service, Historic Preservation Fund, Tribal line item ($9.985 million); State Historic Preservation Officers ($50 million); Underserved communities ($3 million)
2. National Park Service, National NAGPRA Program:
   a. Exclusively for NAGPRA Grants ($2.331 million)
   b. Program administration ($1 million for Program/Alternative Use)
3. Bureau of Indian Affairs – Create line items and support the following divisions:
   a. 12 Regional Offices support for Cultural Resource compliance ($3 million)
   b. Central Office cultural resource efforts throughout the bureau ($200,000)
   c. NAGPRA compliance work ($765,000)
   d. To fight ARPA crimes on Indian reservations ($200,000)
4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office ($1.25 million)

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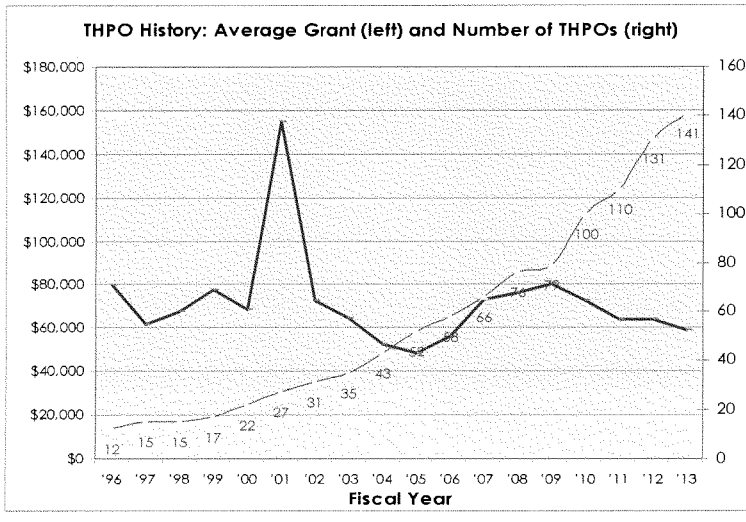
1. National Park Service, Historic Preservation Fund – Tribal line item ($9.985 million)

As of April 15, 2013, there are 141 NPS-recognized THPOs in the country. These Indian tribes have assumed the responsibilities of the State Historic Preservation Officers (SHPOs) for their respective tribal lands, authorized by the 1992 amendments to the National Historic Preservation Act, and have a land base exceeding 30 million acres in 30 states. The Historic Preservation Fund is the main source of funding to implement the nation's historic preservation programs and its revenues are generated from oil and gas development on the Continental Shelf.

What are Tribal Historic Preservation Officers? THPOs are federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the SHPO, as codified in 36 CFR Part 800. They are actively involved with projects to improve Indian schools, roads, health clinics and housing. THPOs are also the first responders when a sacred site is threatened, when an ancestral home is uncovered, and when Native ancestors are disturbed by development. THPOs are also responsible for their tribe's oral history programs and operating tribal museums and cultural centers. They perform many functions and responsibilities in Indian country and are an active expression and exercise of tribal sovereignty. For the past 15 years, these programs have become increasingly popular and successful with tribal governments. For the first time, they are recognized as the authentic representatives of cultures and societies that have been in existence for countless generations.

THPO Funding, continued

What is at stake without additional funds for Indian tribes? Without an increase in FY2014 for the expected increase in the number of tribes participating in the THPO program, Native American cultural properties located on millions of acres of tribal lands are at risk. For the past several years, each THPO program has been asked to conduct important federal compliance work with fewer financial resources. There are 141 THPOs in FY13 and there are expected to be at least 150 THPOs in FY14. It is essential that THPO programs be provided with adequate funding to meet the increasing needs and demands on their time to comply with federal, state, and tribal laws. Funding for THPO programs overall cannot remain static or decrease while the number of THPOs participating in the program continues to increase. This chart demonstrates the program growth:



Additional Information on THPOs and THPO Success Stories:

- Even though the tribes are not required to provide a match to the Federal dollars received, Indian tribes provide at least a 1:2 match ($1 Federal to $2 tribal support).
- The Standing Rock Sioux Tribe became aware of a Federal Highway Administration project, which led to the protection of Pe Sla, a sacred site that is the heart of the Black Hills of South Dakota
- The Bois Forte Band of Chippewa preserved Farm Point that has a long history in their community
- The Leech Lake Band of Ojibwe helped preserve a family cemetery of over 200 individuals

Other Line Items of the Historic Preservation Fund:

- NATHPO supports $50 million for the State Historic Preservation Officers (SHPOs)
- NATHPO supports the concept outlined in the new line item of $3 million for grants to Underserved Communities, as proposed by the Administration, with the understanding that Indian tribes are eligible to apply

2. National Park Service, National NAGPRA Program

NAGPRA provides for the disposition of Native American cultural items — human remains, funerary objects, sacred objects, and objects of cultural patrimony — 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 also prohibits trafficking of Native American cultural items. The Secretary of the Interior has established and maintains the NAGPRA Review Committee to monitor and review the summary, inventory, and repatriation requirements of the Act.

NAGPRA Grants Program – NATHPO Recommends for FY2014:

a. $2.331 million to be used exclusively for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. The maximum amount of funds to be awarded in grants to Indian tribes and museums must be a priority, especially as all parties work to implement the Final rule of 43 CFR 10.11 that went into affect in 2010. One key provision of this rule on the disposition of culturally unidentifiable human remains is that a museum or Federal agency that is unable to prove right of possession must offer to transfer control of the human remains to the appropriate Indian tribe/s and Native Hawaiian organization/s.
b. $1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

For the past several years, the President's budget has proposed a 25% reduction in NAGPRA Grants, although upon closer examination, no actual savings have been achieved. Rather, the overall amount of funds from the U.S. Congress has remained level funded from FY2010 at $2.331 million, but the NPS has moved $581,000 – or 25% of $2.331 million – via an "internal transfer or other non-policy/program change" to fund NPS "cultural resources/National Register programs." NATHPO understands that in these difficult fiscal times, austerity measures must be considered, but reducing grants to Indian tribes and museums severely impairs their ability to comply with NAGPRA while no actual federal savings will be realized.

3. Bureau of Indian Affairs – Create line items and support the following divisions:

The BIA has federally mandated responsibilities to work with Indian tribes and comply with the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA) and the Native American Graves Protection and Repatriation Act (NAGPRA). Indian tribes have only two sources of reliable – though underfunded – federal programs to support their respective efforts to preserve and protect their cultural resources and comply with federal law: NAGPRA Grants and the Tribal Historic Preservation Officer (THPO) funding. There is no line item within the BIA budget to support tribal efforts to comply and fully participate in the federal historic preservation structure (comply with NHPA, NEPA, and NAGPRA), as well as preserve and protect tribal cultures. In an effort to begin addressing this need, the Affiliated Tribes of Northwest Indians (ATNI) passed the resolution, "BIA Budget Cultural Resource Line Item," earlier this year. The resolution calls for the BIA to create and support a financial line item in their budget that supports tribal efforts to preserve and protect tribal cultures and participate in the federally-funded development projects.

Bureau of Indian Affairs – To create line items and support the following divisions:

a. To support Cultural Resource compliance at the 12 Regional BIA Offices ($250,000 x 12 regional offices = $3 million)
b. Central Office cultural resource efforts throughout the bureau ($200,000)
c. NAGPRA compliance work ($765,000)
d. To fight ARPA crimes on Indian reservations ($200,000)

BIA, continued

Currently the BIA does not have any budget line items that are devoted to complying with the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (ARPA), and executive orders and directives in the cultural resource field. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development that are estimated to number over 7,000 per year.

Because the BIA lacks funds in the cultural resource field, it is unable to comply with the federal Executive Order directing federal agencies to inventory the historic properties under their control. The BIA estimates that it may take up to $1 million to complete their inventory of over 6,000 structures that have not yet been evaluated.

In 2010, the Government Accountability Office (GAO) released the results of their audit that included the BIA, "NAGPRA: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act." This report marked the first time that federal auditors have examined a major federal Indian law enacted to facilitate the return of Native American human remains and cultural objects. In order to comply with the GAO recommendations, the BIA needs to devote funds to comply with NAGPRA, but at this time, no line item is dedicated for this function.

Finally, ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from tribal and federal lands. The BIA does not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian country. NATHPO urges the creation of a dedicated line item for this important function of the BIA.

4. Smithsonian Institution, National Museum of the American Indian and the National Museum of Natural History Repatriation Programs

In June 2011, the GAO released their report, "Smithsonian Institution: Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects." The GAO stated that the Smithsonian's process to repatriate thousands of Native American human remains and funerary objects in its collections is lengthy and resource intensive and it may take several more decades to return items to tribes under its current system. NATHPO requests that the Smithsonian Institution receive $1.25 million for its repatriation activities, including operation costs of the Review Committee and repatriation office, as originally authorized by the Congress, with the requirement that the Smithsonian complies with the GAO recommendations in full.

Background on the National Association of Tribal Historic Preservation Officers:

NATHPO is a national not-for-profit membership association of tribal governments that are committed to preserving, rejuvenating, and improving the status of tribal cultures and cultural practices by supporting Native languages, arts, dances, music, oral traditions, cultural properties, tribal museums and cultural centers, and tribal libraries. NATHPO assists tribal communities protect their cultural properties, whether they are naturally occurring in the landscape or are manmade structures. In addition to members who serve as the Tribal Historic Preservation Officer (THPO) for their respective tribe, our membership includes many other tribal government officials who support our mission and goals. NATHPO provides technical assistance, training, timely information, original research, and convenes a national conference of tribal representatives, preservation experts, and federal agency officials.

Mr. CALVERT. Thank you for your testimony. Now, open for questions. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Thank you all for your testimony, Ms. Martin. The history of child placement, children being removed from their homes to attend schools, it is shameful, it is hurtful, it is an ugly part of our shared American history. The work you do is really, really important, and I would ask this question, whether it be Ramsey County, Dakota County, or Washington County in Minnesota.

I am sure you are aware of what happened in North Dakota and what has come to light in the Spirit Lake Reservation, and your testimony was brief. Part of what needs to be happen is there needs to be more money in violence, domestic prevention, chemical dependency. And we need to put more money into the programs that you were talking about, but if you cannot get back to me today, briefly, I would really like a more intensive conversation on what we can do collectively to not only stop the child abuse that goes on in foster placement, as I said, in Ramsey, Washington, Dakota Counties, all around here, where counties are in charge of foster placement, but also what we know as neglect on reservations when foster placement is taken forward.

And there is a "New York Times" article, and I wanted to refer to it. There is much talk back home, I am from Minnesota, about what happened. Collectively, we all have to understand what is in the best interest of our children. Best interest of the children is being with their family and their community first, but we need to make sure that family and that community is safe. And according to the tribe, Federal officials found out that a hired children's case worker had been convicted of felony child abuse, and was employed. Another social worker was discovered, you know, a one-year-old child covered with wood ticks, but never taken to the hospital.

This happens in every community. Human beings all make mistakes, and do not always stand up in the best interest of children, but, as you move forward, I want to know what we can do collectively to help reservations have strong, solid programs that will become model programs into the future. So if you could get back to our office later, or if you would want to comment now? You know, this is an uncomfortable conversation I am having, but if we do not speak for the children, who will? And I know you are here to speak for children.

Ms. MARTIN. Well, I will get back to you later today to talk about this more, but I think, you know, at a minimum, money cannot solve everything, but it definitely helps. And if there is more funding available, we are able to do better background checks, to provide better technical assistance to tribes, and to just beef up their infrastructure so that these things do not happen. But I would be happy to talk to your office later today and come up with a better, more concrete answer for you.

Ms. MCCOLLUM. Well, we want to work together for the success of your program, and so one of the things that we need to do is to do better oversight, and listen to your concerns, your needs, your ideas on how to improve the system, because it let a lot of children down. Just as off reservation, in counties around the United States,

we failed children and let them down too, so we need to do the same due diligence and that is the spirit in which I ask those questions. Thank you.

Ms. MARTIN. Thank you.

Mr. CALVERT. Thank you.

Mr. Graves.

Mr. GRAVES. Just a real quick question, sir, regarding Indian dental care, and why dental health in those communities is obviously worse than anywhere else, apparently, statistically, in the country. What is the main culprit for that?

Mr. NIEDERMAN. So the culprit is bacteria, but we have not investigated—I would say there is the what and the why. We know what——

Mr. GRAVES. Education that is necessary for dental care in that community that is not being——

Mr. NIEDERMAN. There is no evidence that education anywhere——

Mr. GRAVES. Is that——

Mr. NIDERMAN [continuing]. Is effective altering oral health. What is effective is prevention. So what we found out is what to do. We are still looking at the why. So the chart I showed shows what we can achieve by doing comprehensive prevention that is not currently available. Most dentists are trained to do treatment, not prevention. Most programs are compensated to provide treatment, not prevention. We just switched the paradigm around.

Mr. GRAVES. Thank you.

Mr. CALVERT. Thank you.

And just one quick comment, sir. I agree with you that we ought to give Indian country more discretion on how they operate their own schools, and I think that is a common goal that we should share.

With that, I thank this panel, and appreciate your testimony, and we are going to recognize the next panel.

Silas C. Whitman, Executive Committee Chairman of the Nez Perce Tribe.

Dennis Smith, Chairman of the Shoshone Tribes of the Duck Valley Indian Reservation.

Bud Lane, Vice Chairman of the Siletz Tribe.

Aaron Hines, General Council Chairman of the Confederated Tribes of the—forgive me if I mispronounce some of these—Umatilla Indian reservation.

And Ron Suppah, vice Chairman of The Confederated Tribes of Warm Springs Reservation of Oregon.

Ms. MCCOLLUM. Mr. Chair, as members are coming up and being seated, you will notice that some of us are in and out of this room. The Department of Defense is having a hearing right now. Some of us serve on that committee. But the people that are the Department of Defense are the doctors that are talking about medical records, and things that we want to have transferred back and forth between Indian country, so that is why we are leaving. We are kind of doing double duty. And a lot of it impacts, as we have a veteran here at the table, making sure that our Native American warriors are given their due health care in the Department of De-

fense. So that is why you are seeing some of us move around back and forth.

Mr. CALVERT. Matter of fact, the four seated members here are all on the Defense and Appropriations subcommittees, so that is why you see a lot of moving up and down, so we apologize for that. Thank you.

So, with that, Silas Whitman, you are recognized for 5 minutes.

WEDNESDAY, APRIL 24, 2013.

NEZ PERCE TRIBE

WITNESS

SILAS C. WHITMAN

Mr. WHITMAN. Thank you.

Mr. Chairman, members of the committee, my pleasure and honor to be here on behalf of my people, the Nez Perce Tribe. I have written testimony that has been provided to the committee.

The provision of this testimony, I guess it would say, prioritizes the spending of the United States regarding Indian Health Service, Bureau of Indian Affairs, Environmental Protection Agency, U.S. Forest Service, and the Fish and Wildlife Service to the needs of our many tribal nations. As a government, we provide a multitude of services that are backed in large part only by our tribes' resources. You know, from our different methods of operation we have economic services, but also from the Federal Government.

Quickly, going down the comprehensive natural resource program and enjoy, that is a collaboration and coordination between the Federal agencies and the states that we reside in. Our operations include Montana, Idaho, Oregon, and Washington. The resource programs we have are forestry and timber management, land services, land management, habitat and watershed restorations, air quality, smoke management, water quality and water management, ecosystem, ecological operations that use cultural resources and traditions that direct, in our treated territories, how we go about managing, the fisheries recovery and restoration, including endangered species work and research that we do, big game management, that includes wildlife management for predators and prey, determined, again, by cultural resource traditions that we have, and all those treaty lands in our adjudicated lands.

The comprehensive administration framework that we have allows us to provide the exercise of sovereignty for our operations. With all these treaty rights and obligations that we have through the Federal Government, it requires extensive coordination and collaboration. Thereupon, we look at the issues of contract support. You have heard from Mr. Miller. We have a problem. The statutory language that was invoked was done so without any consultation and coordination with the Indian nations. We do not take that lightly. The issues that we are looking at, then, is to have the funding in there that we would require, Preventative Health Service and the Bureau of Indian Affairs. We are looking at the contract support cost, $615 million that we are requiring through the Indian

Health Service, the BIA, to fully the contract support that we need for $242 million.

Right now the land services request we need for our Snake River Basin adjudication. It is critically important for us, timely funding. We need that. We need to get our surveys for those lands that were supposedly returned to us through the Bureau of Land Management. We cannot really take those lands and work with them until we get the surveys accomplished. Since 2004 we have not been able to fully engage getting those surveys taken care of, and their costs.

The BIA public safety is another critical issue. We have a full service law and justice program, courts, police force, prosecutor. We cannot do that without getting the support necessary, through the Bureau of Indian Affairs, to get that funded at the full amount. We are looking at getting our education. We want $36 million, backing what the rest of the tribes want, for Johnson-O'Malley. The Tribal Education Department's $5 million, and $94.3 million we are looking to save tribal colleges. You know, we are supporting that. We have a tribal college on our reservation that we are dependent upon.

Rights protection, $49.5 million covers our treaty watersheds in that multiple state area. The fisheries, very critical to us. The Pacific Coast Salmon Recovery Fund, 11 million. The BIA wildlife and parks, we are looking at full funding for that in support. All those issues we can back by data. At this point, the Environmental Protection Agency is extremely critical for our operations. That, as well as funding for the Forest Service. We are such a large area that we require a lot of collaboration and coordination with our attempts at providing a quality of life that was guaranteed to us, that we are trying to support within our treaty language.

So, with that, I will close my testimony.

[The statement of Silas C. Whitman follows:]

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

TESTIMONY OF SILAS C. WHITMAN
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

APRIL 24, 2013 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending of the United States regarding IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service in relation to the needs of tribal nations.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. Congressman Simpson has seen in person the variety and the quality of the work done by the Tribe. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that oversees and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance. This work cannot be accomplished unless the United States continues to affirm and follow through on its trust responsibility and properly fund programs. Therefore, although we are submitting testimony on FY 2014, it should be noted that the tribal leaders of the Tribal Interior Budget Council and NCAI passed unanimous resolutions that trust and treaty obligations to tribes should not be subject to sequestration.

Changes to Contract Support Costs

Under the President's proposed budget new statutory language has been proposed that implements individual statutory tribal caps on the payment of contract support costs for BIA and IHS contracts. This change was done without consultation with tribes. The Nez Perce Tribe supports the National Congress of American Indian's recommendation that consultation should be undertaken by IHS and the BIA with tribal nations and the proposed caps should not be implemented for FY14 and FY 15 while this consultation takes place. The Tribe also supports the NCAI recommendation of Congressional oversight hearings on this issue.

Indian Health Services

The Nez Perce Tribe currently operates one health care clinic on the Nez Perce Reservation, Nimiipuu Health, with the main clinic in Lapwai, Idaho and a satellite facility 65 miles away in Kamiah, Idaho. Nimiipuu Health provided service to 3,870 patients last year. These 3,870 patients represented 79,573 visits, which included pharmacy and laboratory visits in addition to medical provider visits. Our expenditure total for FY2011 was $12,555,959. Our Contract Health Services (CHS) cost for outpatient services for FY2012 was $3,709,629.51. The Nez Perce Tribe supports funding for Indian Health Service with a $500 million increase to maintain current services and a $478 million dollar increase for program services. In addition, $615 million should be allocated for Contract Support Costs.

Bureau of Indian Affairs

The Tribe supports the Presidential budget request to include a Carcieri fix to address legal issues that have been arising related to the transfer of land into trust. The Tribe also requests more emphasis be placed on funding for contract support costs through the BIA and that it be funded fully at $242 million dollars. However, the Tribe does not support the elimination of the Housing Improvement Program under the President's Budget.

In their FY11 budget proposal, the BIA proposed several spending recommendations for improving trust land management that were supported by the Tribe. The Nez Perce Tribe entered into an agreement with the United States in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (Title X of Division J of P.L.108-447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of approximately 11,000 acres of land from the Bureau of Land Management to the Tribe. The lands were supposed to be surveyed as part of the transfer. Full funding for those surveys has not been made to this date. The FY11 budget request called for $695,000 for that fiscal year to begin that process. Although that amount would not cover the full cost of the surveys, it would allow the process to begin. The Tribe supports a renewal of that appropriation request in the FY14 budget that was not funded during the past several budget cycles. It should be noted that the last payment under the Snake River Basin Water Right Act of 2004 is scheduled to be made during the remainder of FY13. The Tribe appreciates the continued and timely funding of payments that were set forth in this agreement.

In relation to the Bureau of Indian Affairs Public Safety and Justice budget, the Tribe advocates for $358 Million dollars in funding. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. With the exception of a detention center and public defender's office that are contracted for, the Tribe provides a full service law and justice program, beginning with a fully trained and staffed police force, tribal court, prosecutor and related administrative functions. Currently, the Nez Perce Tribe contributes over $600,000 per year to cover the shortfall in BIA funding for the Tribe's law enforcement. This funding comes from cigarette taxes levied by the Tribe. In addition, the Tribe received no funding for its tribal court so the $1 million dollar increase in funding for tribal

courts proposed in the President's budget is supported.

In relation to education, the Tribe requests $36 million for Johnson O'Malley Funding, $5 million for tribal education departments and $94.3 million for tribal colleges as the Northwest Indian College operates a satellite campus on the Nez Perce Reservation.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to Big Horn Sheep. The BIA Endangered Species Program should be funded at $3 million dollars as it provides tribes with the technical and financial assistance to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years.

In addition, the funding provided under the BIA Rights Protection fund is critical as it supports the exercise of off-reservation hunting and fishing for tribes like the Nez Perce and it should be funded at $49.5 million dollars. The BIA single-line dollars do provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring and conservation enforcement. And of course, these efforts are central to the Tribe's fisheries management responsibilities as established in the treaties and further delineated in litigation regarding implementation of hunting and fishing treaty rights. It is important to understand that this funding is not for equipment but is used for job creation and this funding has stayed static.

The Nez Perce Tribe utilizes the Pacific Coast Salmon Recovery Fund and it should be funded at $110 million dollars. The Nez Perce funding received under this budget is used to rear 300,000 local stock coho smolts at Dworshak and Kooskia hatcheries in the Clearwater River Basin. We also truck an additional 550,000 coho smolts from a lower Columbia River hatchery (Eagle Creek Hatchery) up to the Clearwater for release. Based on PIT tag information, 15,000 coho adults from our Clearwater releases crossed Bonneville Dam in 2011 where they provided a fishery for tribal and non-tribal fisheries on the Columbia River. Over 5,000 swam on to cross Lower Granite Dam where they continued to provide a fishery, provide broodstock for the hatchery program and spawners in the wild. Continued appropriations for this fund will allow this successful work to continue. The Tribal Management and Development Program also needs increased funding. NCAI has recommended $20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe.

The Tribe supports the NCAI funding requests for the BIA Wildlife and Parks Tribal Priority Allocations of $3 million dollars and $6 million dollars as these funds allow for important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The state of Idaho directly benefits from this work as well through its sports fisheries. These programs have been successful but more work needs to be done.

Fish and Wildlife Service, Forest Service Cultural Protection

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants account for a small pot of money that has resulted in huge returns from the Tribe's perspective. This competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. The Tribe has received funding from this grant four out of the last five years based on the quality of our research work on Big Horn Sheep. The Big Horn Sheep is a treaty resource of the Tribe that is declining rapidly within the Tribe's ceded territory. The funds from this program provide the resources to keep the research going. Funding for these grants was reduced in FY12 and FY13. The Tribe strongly urges this committee to increase this funding as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. There should be $31.2 million dollars allocated for BIA Tribal Forestry Priority Allocations and $23.6 million for BIA forestry projects. The Nez Perce Tribe reservation and its usual and accustomed areas are rich in natural resources and encompass eleven different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis. Finally, there should be $15 million dollars allocated for the Tribal Historic Preservation Office Program and $4 million dollars for repatriation to help ensure tribal remains and cultural properties are protected to the greatest extent possible.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR) and receives funding from the State and Tribal Grant Program. The $5 million dollar increase in the President's budget is important and is support by the Tribe. The FARR program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA and this increase in funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA.

In addition to the air quality program, the Nez Perce Tribe is working with other Idaho Tribes on studying of fish consumption rates which is important in protecting the health of tribal members. Funding for this work is important. The Tribe is also currently in facilitated discussions with the state of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservation. The Tribe also relies heavily on contract support dollars for our water resource programs such as storage tank remediation and watershed restoration.

Mr. CALVERT. I thank the gentleman.

And next, Dennis Smith, Chairman of the Shoshone Palute Tribes of the Duck Valley Indian Reservation.

WEDNESDAY, APRIL 24, 2013.

SHOSHONE PALUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION

WITNESS

DENNIS SMITH

Mr. SMITH. Good morning. I want to thank you, Mr. Calvert, and Ranking Member Moran, and members of the committee that you invited us here to testify before you. God bless you people.

I am Dennis Smith, Senior Chairman of the Shoshone Palute Tribes of Duck Valley Indian Reservation. I am here with a heavy heart. Our former chairman, Terry Gibson—he was a strong advocate for our tribes. He will be missed. I am here on behalf of the tribal council to represent the tribes, as Former Gibson did before me.

First I want to discuss contract support costs. These funds help us carry out all our Indian Self-Determined Act contracts. And I really do respect, and I really do appreciate, the comments that I hear of some of the committee members back to the presenters. God bless you guys, you are right on board with us.

For years the BIA and IHS failed to pay us our full contract support cost amounts. In 2005, after years of litigation in the courts, the United States Supreme Court said that our self-determined contracts had to be honored, and the United States had to pay the full amount asked, committing to fully funding tribal contact support. My question is, and this is the question in Indian country, why do we have to litigate? We do not need to litigate. Tribes do not have that kind of money. But in order to keep the trust and responsibility of the Federal Government, you have got to go to court.

There are so many things I would like to say. It is hard to try to say this in 5 minutes. We are asking you to add $140 million to Indian Health's budget above the President's 2014 request. Add $12 million to the BIA budget above the President's 2014 request. We strongly approve the administration's unilateral plans to cap contract support cost payments and eliminate future claims. That is why I said a little while ago, I appreciate you guys acknowledging that. You have an administration out there that is not abiding by, I think it started with President Reagan, mandates the Federal Government to sit down in true consultation with any tribal governments. We sit down, like we are doing here, you have consultation, and hopefully we can reach a compromise. But that is not happening in a lot of cases.

Why are these administrators, Dr. Robideaux, Mr. Kevin Washborn, why are they allowed to do what they are doing to the tribes? It is not ethical. Why would the administration treat Indian tribes different than all other government contractors? Do you have a contract with GE? Do you have a contract with Boeing? Do you

have that kind of stuff? Do you have administrators out there putting you people in a position where we are having to come to you and tell you about these things? I do not think so. Why are we treated different? We should not be. The administration, to honor the trust, responds and consults with tribes, and we reject the administration plans.

Second, 2 years ago, when heavy rains flooded the basement of our administrative building, they became infested with black mold. For health reasons, we closed offices, and now work in little small trailers. How we survive, I do not know, but we are surviving, bless the Creator. We have obtained $3 million in U.S. loans to replace our administrative office over time, in six phases. We would ask that you increase the BIA construction budget to provide construction dollars and BIA loan and loan guarantee programs to help us replace our tribal headquarters. BIA construction monies, my friends, is obsolete, as a lot of other fundings in the Federal programs that are obligated to help us.

Third, for over a decade we have wanted to build a juvenile detention center in our reservation. We secured Justice Department grants, and built a secure facility, but we always wanted to provide treatment programs. In 2010 Congress passed the Tribal Law and Order Act. That act recognized that treatment and counseling is critical, and directed the BIA, HIS, and Justice to coordinate with the tribes. I ask the committee to increase BIA public safety, Justice funding, education, and construction funds, and IH service dollars to ensure that tribes can successfully operate and maintain juvenile facilities and get the treatment programs and services our youth deserve.

BIA selected us for a pilot project this year, to prepare a plan to ensure that, as we renovate our juvenile facility for treatment, we can successfully provide treatment services in the new facility. It is important. We were selected, one of three tribes, as a pilot project. They are asking us for a plan. What happened to the plans years ago, when they first put this out in Indian country? Bruce Babbitt was the Secretary of Interior at the time. We had came here, and the tribal leaders, we met with him, and we told him our concern about this. We told him about probably the lack of funding, and that is where we are at right now. There are no monies.

A lot of times I feel, and no offense to anybody, but a lot of times I feel the Federal Government comes and says, okay, we are self-governing this tribe. Get in, you know, do this, we have got the funding. And when there is no lack of funding, people like me, in my reservation, 100 miles north of Boise, Idaho, 100 miles north of Elko, Nevada, we are sitting out there, so we depend upon the Federal Government to help us. They are not there, so I do not want use the word failure, but because of lack of funding that we have contracts with the Federal Government, we cannot achieve the goals that we are wanting to achieve for our tribal neighbors.

We are asking $1 million to fund our culture resource project. In 2009 Congress passed the Omnibus Public Land Management Act. The Act includes inception of the Shoshone Palute Tribal Resources Program. The Act requires the Secretary of the Interior to coordinate with tribes to implement our culture resource protection plan, and, to quote the words of the statute, "to protect cultural sites and

visas important to the continuation of the traditions and beliefs of the tribes." The Act authorized funding for the program. In 2010 the Bureau of Land Management gave us money to buy planes and hire rangers and cultural service director, and now that money has run out.

It is up to Congress to provide the additional funds. We need $ one million to keep the program going, to retain the chief ranger and cultural reservation director, and hire youth ranger staff, and build a hangar for our two planes. It is very important to us to protect tribally sensitive cultural sites, and work with BLM and other stakeholders.

Finally, we ask that you fund our water rights settlement. The water settlement took years to work out. The Act, Public Law 111–11, authorized 60 million for our water settlement to be paid to the Treasury for an irrigation project. We ask the committee to support the President's budget request for $12 million to fund the settlement. It is another installment to fund our irrigation project. You will create jobs for our reservation to rehabilitate our existing irrigation system.

Thank you, sir.

[The statement of Dennis Smith follows:]

Testimony Before the House Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2014 BIA, BLM and IHS Budgets
Presented by Dennis Smith, Chairman
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
April 24, 2013

Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, my name is Dennis Smith. I am the Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. On the Tribes' behalf, I am pleased to submit testimony concerning the FY 2014 Budget for the BIA, BLM and IHS.

I am here today with a heavy heart. Earlier this month, my Tribe suffered a great loss. On April 4, 2013, my predecessor, Terry Gibson, walked on. He was only 52 and suffered a heart attack. He was a proud member of the Shoshone-Paiute Tribes and a strong defender of our sovereignty. He worked very hard to improve the health and spirit, education and economic condition of our Tribal members. That is where he devoted his considerable energies, including time here in Washington. We will carry on, but he will be deeply missed.

I will focus my testimony on the following priorities, priorities that were important to Terry:

- Appropriate an additional $1 million for the **Bureau of Land Management** to fund Tribal cultural activities and to protect cultural sites and resources important to us under the Omnibus Public Land Management Act, Pub. L. 111-11, and support the President's FY 2014 Budget request of $12 million to fund our Water Settlement under the same Act;
- Build on the President's budget request and increase funding within the **Public Safety and Justice, Human Services, Education, and Construction** accounts of the BIA to adequately staff, operate and maintain our juvenile detention facility and to help us replace our Tribal headquarters building closed as a result of black mold, and support and increase the President's budget for the **IHS Services and Facilities** accounts so that tribes may better coordinate health, substance abuse, mental health and related programs under the Tribal Law and Order Act, Violence Against Women Act and other laws;
- Increase **Contract Support Cost (CSC)** funding within the IHS to $617 million;
- Oppose the Administration's unilateral proposal to cut off our contract support cost rights under the Indian Self-Determination Act (ISDA) — rights we currently hold in common with every other government contractor in America.

The Duck Valley Indian Reservation is a large, remote and rural reservation that straddles the Idaho-Nevada border along the Owyhee River. The Reservation encompasses 450 square miles in Elko County, Nevada and Owyhee County, Idaho. Over 1,700 tribal members, out of 2,000 enrolled members, reside on the Reservation. Tribal members make their living as farmers and ranchers, though many are employed by the Tribes. Since the mid-1990s, we have contracted the duties of the BIA and IHS under ISDA Self-Governance compacts. We also carry out other federal programs on behalf of HUD and the Federal Highway Administration.

We owe it to our members to provide them with a safe community with adequate programs, services and facilities to meet their needs. We are different from other communities as we do not have nearby localities to shore up services when Federal appropriations are cut. The obligations

of the United States to the Nation's federally recognized Indian tribes are not discretionary acts by the United States; these obligations are a direct product of the trust responsibility arising from our treaties, laws and court decisions that require the United States to protect and strengthen tribal governments and our members.

Sequestration. I am very concerned about sequestration because it dishonors the Federal trust responsibility. Indian tribes are taking a hard hit as a result. This year, our Federally-funded programs – which do not have enough money to begin with – must suffer a 5% sequestration cut. This is money we cannot replace. We do not have a tax base, and when our ISDA monies are cut, we lose matching funds and third party collections. If Congress does not replace sequestration by October 1, 2013, larger cuts in FY 2014 will wipe out the President's proposed increases and drop our funding to below FY 2012 levels. We are losing at least $225,000 in BIA funds alone. How does the BIA honor the trust responsibility when no one answers the phone? I urge this Subcommittee to better protect Indian programs in the FY 2014 appropriations and, as you have so often done, honor the trust responsibility that we paid for with our land and lives.

1. Fund the Owyhee Initiative and the Shoshone-Paiute Water Settlement. The **Owyhee Initiative** is a joint effort by ranchers, recreationalists, Owyhee County and State officials, and the Shoshone-Paiute Tribes to protect public lands and waters in Owyhee County, Idaho that BLM administers by designating the lands Wilderness Areas and the waters Wild and Scenic Rivers. In 2009, Congress passed the Omnibus Public Land Management Act of 2009, Pub. L. 111-1. Our subtitle of that Act is the Owyhee Public Land Management (§§ 1501-1508); another is our Water Settlement (§§10801-10809). We are about to exhaust non-recurring funding from BLM and require $1 million in FY 2014 to support important cultural programs.

One of the objectives of the Owyhee Initiative is to allow us to protect cultural and religious sites on BLM lands through coordination with the agency and Owyhee County officials, and to permit the Tribes to gather native plants for food or ceremony and to hunt and fish on these lands as we once did. Section 1506 of the Omnibus Act requires the Secretary of the Interior to coordinate with us to implement our Cultural Resources Protection Plan, and enter into agreements with us to "protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes," and to share in the management of cultural resources. Section 1508 authorizes such sums "as are necessary." With $250,000 in non-recurring funding that we received from BLM in 2010, and an additional $500,000, we purchased equipment (pickup trucks, an ATV, a UTV and two airplanes, a Cessna 150 (2-seater trainer) and a Cessna 182 (4 seater), which we hanger outside Boise), to patrol the wilderness lands and notify BLM when we see activities near sacred sites. We funded trips to attend cultural protection meetings in the region, and hired a Chief Tribal Ranger (the former Owyhee County Sheriff) and Tribal Cultural Director. The activities have been severely curtailed, and we will soon run out of these funds. The Owyhee County Board of Commissioners supports our program and, like us, wants to see it funded.

It was Terry's wish to fund a Reserve Ranger Program for Tribal youth this summer, so that Tribal youth could see the wilderness areas, gather native plants for ceremonies, and leave with an enhanced understanding and appreciation of our people, traditions and culture. In his last visit here, he asked for help to fund the Youth Ranger Program this year. The FY 2014 Budget includes a $1.5 million increase in the Wildlife Management Program and $1.3 million increase in the Soil, Water, and Air Management to support BLM's **Youth in the Great Outdoors**

program. The Reserve Ranger Program was Terry's way to help our Tribal youth. Please provide additional funding to BLM, BIA and Fish & Wildlife programs to support our cultural programs and activities under the Owyhee Initiative and make Terry's wish come true.

2. Duck Valley Juvenile Services Center and Tribal Headquarters Replacement Project. – Infrastructure is in short supply on the Duck Valley Reservation. Due to a black mold infestation, we must replace our Tribal government buildings at a total estimated cost of $15-$16 million (2012 dollars). We now work out of trailers. To make the project affordable, we have broken the project into six phases. We are also renovating the Duck Valley Juvenile Services Center, a secure, detention and treatment facility, our first youth detention/treatment center. We were selected by the BIA this year for a pilot program under the Tribal Law and Order Act to design and implement best practices to deliver appropriate services to incarcerated Tribal adults and youth. However, both program and construction funds are in short supply. We need help to finance construction to build basic infrastructure. We oppose the President's cuts and ask for increases for construction (cut $16 million), Federal loans/guarantees, IHS Mental Health ($80 million), Alcohol & Substance Abuse ($196 million) and Purchased/Referred Care programs.

As for construction, the reality in Indian country is that very few projects can be built with BIA or IHS funds alone. And when facilities are built and inspected, it is critical that staffing, operation and maintenance and programming funds be available to us so that the facilities do not sit idle. We ask Congress to increase program funding in the FY 2014 Budget for the BIA's **Public Safety and Justice**, **Human Services**, **Construction** and **Education** accounts, as well as increasing **IHS** and other DHHS program budgets to ensure that agency funds are available to Indian tribes to permit us to deliver program services in a comprehensive manner. This is especially important when it concerns Tribal juvenile detention facilities and support programs.

We are 140 miles south of Boise, Idaho, and 98 miles north of Elko, Nevada. Poverty and unemployment are widespread. As a result, some of our members struggle with alcohol and substance abuse, including our youth. For over a decade, it has been our goal to construct a secure, juvenile detention and treatment service center on our Reservation, rather than having our young members sent hundreds of miles to non-Indian detention facilities, far from home, family and culturally appropriate treatment. These transports also remove BIA law enforcement officers from the Reservation, which contributes to crime and delayed response times.

Next month, we will put out to bid the renovation of our existing Duck Valley Juvenile Services Center. When built, it will provide a modern and safe 19-bed youth detention and treatment facility so that Tribal youth can be housed on the Reservation. But Federal funding is inadequate to coordinate the governmental stakeholders (Tribal, BIA, BIE, IHS, Justice and DHHS's Substance Abuse and Mental Health Services Administration (SAMHSA)), and implement programs for adult and youth offenders. Secretarial-level Memoranda of Agreements between Justice, IHS and BIA do not work at the project level when there are insufficient funds to deliver coordinated programs and services. Understanding this reality will help tribes succeed.

With too little funding, IHS personnel have not been sufficiently engaged to coordinate substance abuse, mental health and related health services for incarcerated adult and youth offenders. SAMHSA officials are taking a lead with BIA Office of Law Enforcement Services officials, but a scheduled pilot program meeting this month on the Reservation with SAMHSA

officials was postponed due to sequestration. We need additional funds to recruit, hire and house substance abuse and mental health counselors to treat Tribal youth when the detention facility opens, as well as to house detention and law enforcement personnel. Only by pooling available resources in a coordinated manner can we halt and treat the behavioral issues that contribute to the cycle of substance abuse, crime and recidivism on the Reservation. We have grant funding to pay for two counselors that will run out in FY 2014 if not supplemented.

We support and urge the Subcommittee to build on the President's proposed increases of $17.8 million for Public Safety and Justice, including $13.4 million to staff newly-constructed detention facilities; we oppose $10 million in cuts to the BIA Human Services account could fund more domestic violence and child abuse programs, especially with enactment of VAWA. We also oppose cuts to the BIA construction budget (-$17 million) and the elimination of the BIA HIP Program (-$12 million) as housing is in short supply on the Reservation.

3. **Contract Support Costs**. This Subcommittee, and you in particular Chairman Simpson, understand the importance of Contract Support Costs (CSCs) to tribal governments. You have been a real champion in recognizing the importance of CSC funds in carrying out programs and services that we assume from the BIA and IHS. You have understood that we only ask to be treated as well as, but no worse, than any other government contractor.

The President's Budget for FY 2014 again provides far too little for CSC funding for IHS. By not paying the full CSC amount of $617 million, IHS forces us to cut program services or cut staffing to pay our fixed administration costs. This only penalizes the people we serve. At last count, we were underpaid over $600,000 in CSC funding—a huge sum in lost health care in our small community. If we cannot provide the health service, residents must travel long distances for basic health care.

The IHS (and the BIA) would compound the problem for FY 2014. First, IHS has requested only $477 million, $140 million less than required for IHS to honor all ISDA agreements. Second, the IHS and BIA propose to individually cap FY 2014 payments of each tribe, meaning we would lose all the damage claims we have under existing law for the underpayments. This irresponsible and radical idea was developed in secret and without any prior consultation whatsoever. We have already accumulated $3,154,312 in past losses, following the $4 million settlement of our original claims in the Cherokee-Shoshone Paiute Supreme Court 2005 litigation; why in the world would we agree to allow the government to repeat past travesties?

Over a decade ago, I walked the halls of Congress to increase CSC funding for Indian tribes. We were among the first to file suit against the United States. We won in the Supreme Court, with a ruling that our self-governance compacts are every bit as solid as any other government contract. It is bad enough that Tribal contractors are the only government contractors that are regularly underpaid; it would add grave insult to that injury to now cut off all recourse in the courts—especially if the only reason is that we are Indians. This Administration is bound by its obligations to consult with Indian tribes before making policy changes that impact Tribes. This Subcommittee should reject the Administration's proposal and insist that the BIA and IHS consult with Indian tribes first before changing the manner in which CSC funds are paid to Tribes. Thank you for providing the Shoshone-Paiute Tribes the opportunity to present our views.

Mr. CALVERT. I thank the gentleman.

Next, Bud Lane, Vice Chairman of the—I pronounce this right—Siletz Tribe?

Mr. LANE. Siletz.

Mr. CALVERT. Siletz Tribe, excuse me.

WEDNESDAY, APRIL 24, 2013.

SILETZ TRIBE

WITNESS

BUD LANE

Mr. LANE. Thank you. My name is Bud Lane. There we go. My name is Bud Lane, and I serve as vice chairman of the tribal council for the Confederated Tribes of Siletz Indians of Oregon. Our tribe is a self-governance tribe, with a tribal membership on reservation, and scattered across 11 counties in Western Oregon. We negotiate with the Bureau of Indian Affairs and Indian Health Service for our share of BIA and IHS programs, which we receive annually in one lump sum.

I want to thank the committee for giving me this opportunity to explain some of our specific funding requests and issues. I would start with contract health services. This program is the most important budget line item in the IHS budget for the Siletz Tribe. IHS areas, like the Portland area, with no IHS or tribal hospitals, are 100 percent dependent on contract health services resources to pay for hospitalizations and hospital services, including specialty care. Access to the Medicare-like rates beginning in July 2007 helped alleviate some of the backlog of cases, and relaxed priorities for a short period, but funding sufficient to address inflation and population growth is critical to maintain our current levels of care. The current funding does not begin to address the tremendous backlog of deferred care.

Deferred services are those services that, while medically necessary, do not meet current funding priorities. Our CHS program accumulated a deferred services list of 278 medical, dental, and mental health requests in 2011, and 230 for 2012. Surgeries, such as carpal tunnel release, rotator cuff repair, knee surgeries, gastric bypass, inpatient psychological treatment, herniated disc repair, and hysterectomies are deferred because CHS cannot afford this level of care. Treatment of orthopedic injuries is one of our greatest challenges. Thirty-three requests for MRIs for knees, back, shoulders have been deferred. Because CHS cannot afford to pay for these surgeries, if indicated by the MRI, they are deferred. The unfortunate reality is that it is less expensive to purchase a cane, a walker, crutches, back or neck brace than surgically repair orthopedic injuries.

We support distribution of CHS dollars with a formula that recognizes that some areas are strongly dependent on this funding source. And, to go a little bit further on this issue, towards the end of the year, if we are hit with a catastrophic case, one that is a very expensive case for CHS, tribes are allowed to apply for CHEF funds, Catastrophic Health Emergency Funds, depending on

whether those funds are depleted, and towards the end of the year they always are. So it is a roll of the dice whether we have to go to a priority two or a priority one for funding of really needed medical services.

An increase in contract support costs is needed for tribal governments to assume control of new programs, services, functions, and activities under self-determination and self-governance. Each year insufficient contract support funds lead to shortfalls resulting in reduced services to our tribal members. Tribes have increased the quality and level of services to members under these policies, but failure to adequately fund contract support costs undermines the programs that are helping to improve conditions for American Indians and Alaskan Natives.

The Siletz Tribe is a Public Law 280 tribe. Historically, BIA has not allocated adequate funding to meet the public safety needs of these tribes. The high incident rates for crime and violence in Indian reservations, especially against women, have received a lot of attention in the past few years. The Tribal Law and Order Act was passed in 2010 to strengthen tribal law enforcement authority and address reservation conditions that impact crime and violence. For this law to have meaning, there must be adequate funding.

The Siletz Tribe established a tribal police force in 1998, with one police chief using a COPS grant and tribal funds. By 2005, the department included a chief, two officers, four reservists, a part time clerk, and a security guard, but our funding could not keep pace. In 2006 the tribe had to suspend independent law enforcement operations and contract for more limited services from a nearby city police department, which continues to this day. In 2010 and '11 the tribe paid about $400,000, with only 22 percent covered by BIA funding. The cost has risen each year, and in 2012 the tribe had to reduce patrol coverage from 120 hours a week down to 80 hours a week. And even so, the tribe was hard pressed to allocate enough resources to continue services through 2013. If additional resources are not found, we may be forced to end all law enforcement services on the reservation.

When Congress enacted the Indian Child Welfare Act in 1978, it estimated that $35 million was needed to adequately fund tribal child welfare programs. However, it has never been funded adequately. The Siletz Tribe receives just $55,000 from the BIA to run our ICW program. That is not enough to fund even one case worker position. The actual cost for our modest program is $400,006 annually. To pay for it, the tribe takes funds away from other self-governance programs, directing them to this priority area. We also access other funding through five agreements with the State of Oregon. We enthusiastically undertook a plan to directly administer the title for a foster care reimbursement program, but a major barrier will be the match requirements, even though Federal law allows tribes to use BIA funding as a non-Federal match, and the limits on reimbursements. Unlike states, we do not have the tax base to generate revenues to cover Federal match requirements.

In 1990 Congress passed the Indian Child Protection and Family Violence Protection Act, Public Law 101–630, to provide programs for treatment for child abuse victims, and for child protection and family violence prevention, but the grant programs have not been

funded in over 10 years. Adequate Indian Child Welfare and Public Law 101–630 funding will enable tribes to ensure safe placements where children remain connected to their families and their heritage.

Well, I will have to conclude. I am sorry, I went over a little bit, but I thank you for the opportunity.

[The statement of Bud Lane follows:]

WRITTEN TESTIMONY OF
BUD LANE, TRIBAL COUNCIL VICE-CHAIRMAN
FOR THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2014 BUDGET -- April 24, 2013

My name is Bud Lane and I serve as Vice-Chairman of the Tribal Council. On behalf of the Confederated Tribes of Siletz Indians, I offer the following funding recommendations:

1) **Contract Health Services: Support the proposed $35 million increase**
2) **Contract Support Costs: Support $9.8 million increase for BIA; $5.8 million increase for IHS**
3) **Tribal Courts: Recommend an increase from $24 million to $50 million**
4) **BIA Law Enforcement: Support the BIA's request for $328.4 million**
5) **Indian Child Welfare: Recommend $70 million for BIA Indian Child Welfare funding with a $5 million set aside for Tribes to meet the non-federal match requirements for direct Title IV-E programs and $10 million for child abuse treatment and $30 million for child abuse and family violence prevention progams**
6) **Endangered Species: Support increase of $1.5 million**
7) **BIA Forestry: Support $5 million increase**
8) **Education: JOM at $36 million and $100 million for Adult Education, Adult Vocational Training and Higher Education Scholarships.**

Siletz Background

The Siletz Tribe is a Self-Governance Tribe, with a tribal membership scattered across 11 counties in western Oregon. We negotiate with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) for our share of BIA/IHS programs funding which we receive annually in one lump sum.

Currently, we are experiencing our first year of increased tribal revenue, after four straight years of declining resources. Revenues to cover governmental services and programs are still down 35% from where we started. Combined with mandatory sequestration and rescissions to federal funding to Tribes, the resulting impacts are deeper each year. Our multi-funding source strategy and the flexibility of Self-Governance are no longer sufficient to maintain our previous service levels. The Tribe has had to leave vacated positions unfilled, freeze staff salaries and step increases from 2010 to present; and provide no COLA in 2010, a 1% COLA in 2011 and no COLA in 2012. Compare that to the federal agencies who, while freezing salaries, still receive step increases and bonuses and had a 3.6% COLA for 2012.

I thank the Committee for giving me this opportunity to explain some of our specific funding requests:

1) Contract Health Services: This program is the most important budget line item in the IHS budget for the Siletz Tribe. IHS areas like the Portland Area --with no IHS or tribal hospitals-- are 100% dependent on CHS resources to pay hospitalizations and hospital services, including

specialty care. Access to Medicare-Like Rates beginning in July 2007 helped alleviate some of the backlog of cases and relax priorities for a short period, but funding sufficient to address inflation and population growth is critical to maintain current levels of care. Current funding does not begin to address the tremendous backlog of deferred care. Deferred services are those services that, while medically necessary, do not meet current priorities for funding.

Our CHS program accumulated a Deferred Services List of 278 medical, dental and mental health requests in 2011 and 230 for 2012. Surgeries such as carpal tunnel release, rotator cuff repair, knee surgeries, gastric bypass, inpatient psychological treatment, herniated disc repair and hysterectomies are deferred because CHS cannot afford this level of care. Treatment of orthopedic injuries is one of our greatest challenges: thirty-three requests for MRIs for knees, backs, and shoulders have been deferred. Because CHS cannot afford to pay for surgeries if indicated by the MRI, they are deferred. The unfortunate reality is that it is less expensive to purchase a cane, walker, crutches, back or neck brace than surgically repair orthopedic injuries. We support distribution of CHS dollars with a formula that recognizes that some areas are strongly dependent on this funding source.

We support the proposed $35 million increase in Contract Health Services, bringing the total to $878.5 million.

2. **Contract Support Costs.** An increase in contract support costs (CSC) is needed for tribal governments to assume control of new programs, services, functions, and activities under Self-Determination and Self-Governance. Each year insufficient contract support funds lead to shortfalls, resulting in reduced services to tribal members. Tribes have increased the quality and level of services to members under these policies, but failure to adequately fund CSC undermines the programs that are helping improve conditions for American Indians and Alaska Natives.

I urge you to support the Administration's request for a $9.8 million increase in CSC for BIA. This increase to $231 million is still far below the target of $242 million required in Fiscal Year 2014.

For IHS, I also urge support for the Administration's proposed increase of $5.8 million for CSC. The increase to $477 million is still far below the target of $617 million needed in FY2014.

3. Tribal Courts. The Siletz Tribal Court was established in 1984. It exercises civil jurisdiction, with an average annual caseload of 500. The Court is staffed by a part-time Chief Judge, a full-time Court Administrator, a part-time deputy court administrator, four on-call judges—two Appellate Court, one District Court and one Gaming Court. The 2012 Court budget is $197,000 but only receives $36, 271 from BIA funds. A BIA review of the Siletz Tribal court reported that this federal contribution was the lowest of 50 courts reviewed. Tribal Courts are underfunded. The BIA request is for $24.3 million for 2014, an increase of $1 million from the 2012 enacted level.

We recommend that Tribal Courts be funded at $50 million so Tribes can fully exercise their jurisdiction to protect tribal members and create safe communities.

4. BIA Law Enforcement. The Siletz Tribe is a Public Law 280 tribe. Historically the BIA has not allocated adequate funding to meet the public safety needs of these tribes. The high incident rates for crime and violence on Indian reservations—especially against women—have received a lot of attention the past few years. The Tribal Law and Order Act (TLOA) was passed in 2010 to strengthen tribal law enforcement authority and address reservation conditions that impact crime and violence. For this law to have meaning there must be adequate funding. The Siletz Tribe established a tribal police force in 1998 with one Police Chief using a COPS grant and tribal funds. By 2005 the department included the Chief, two officers, four reservists, a part-time clerk and a security guard, but funding could not keep pace. In 2006, the Tribe had to suspend independent law enforcement operations and contract for limited services from a nearby city police department, which continues to this day. In 2010/11 the Tribe paid $399,970, with only 22% or $95,582 covered by BIA funding. The cost has risen each year and in 2012 the Tribe had to reduce patrol coverage from 120 hours a week down to 80 hours a week. Even so, the Tribe was hard-pressed to allocate enough resources to continue services through 2013. If additional resources are not found, the Tribe may be forced to end all law enforcement services.

We support the BIA's request for an additional $5 million, for a total of $339.7 million, so tribes can implement the TLOA and urge that there be a set-aside of $5 million for P.L.280 Tribes' law enforcement needs.

5. **Indian Child Welfare.** When Congress enacted the Indian Child Welfare Act (ICWA) in 1978, it estimated that $35 million was needed to adequately fund tribal child welfare programs. However, it has never been funded above $17 million. The Siletz Tribe receives just $55,000 from the BIA to run our ICW program. That is not enough to fund even one caseworker position. The actual cost for our modest program is $406,050. To pay for it, the Tribe takes funds away from other self-governance programs, directing them to this priority area. We also access other funding through five agreements with the state of Oregon. We enthusiastically undertook a plan to directly administer the Title IV-E foster care reimbursement program, but a major barrier will be the match requirements (even though federal law allows Tribes to use BIA funding as non-federal match) and the limits on reimbursements. Unlike states, we do not have the tax base to generate revenues to cover federal match requirements.

In 1990 Congress passed the Indian Child Protection and Family Violence Protection Act, P.L. 101-630 to provide programs for treatment for child abuse victims and for child protection and family violence prevention, but the grant programs have not been funded in over ten years. Adequate ICWA and P.L. 101-630 funding will enable Tribes to ensure safe placements where children remain connected to their families and their heritage.

We recommend increasing the BIA Indian Child Welfare Act funding to $70 million with $5 million of this set aside as non-federal matching funds for Tribes implementing direct Title IV-E programs; funding the Indian Child Abuse Treatment grant program at $10 million; and funding the Indian Child Protection and Family Violence Prevention grant program at $30 million.

6. **Endangered Species.** Tribal lands include habitat for three species listed as threatened under the Endangered Species Act: marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Before we can begin any ground disturbing activities on Tribal trust land, surveys for each of these species must be conducted and evaluated. We must then consult with one of two federal wildlife agencies (U.S. Fish and Wildlife Service for the murrelet and owl or National Marine Fisheries Service for the coho), providing extensive information prior to consultation and then ongoing monitoring.

No money is provided to the Tribe by either of the federal wildlife agencies or the BIA to carry out these activities. Yet we are not allowed to harvest timber, build houses, or conduct any other major ground disturbing activities on Tribal trust lands without performing those functions. It is an unfunded mandate that directly impacts the Tribe's ability to govern its own affairs. The total annual cost to employ a Tribal biologist for the needed endangered species functions is $115,000.

$1.248 million was budgeted for Endangered Species in 2011 and this was reduced to $1.245 million in 2012. The BIA is requesting $2.737 million for 2014 – an increase of nearly $1.5 million. **We support this restoration of funding to assist Tribes with complying with the Endangered Species Act.**

7. Pre-commercial Thinning. The Tribe currently receives approximately $23,000 a year in BIA Forest Development funds. This money must be used for timber stand improvement activities such as reforestation and pre-commercial thinning. If contracted out, it will pay for approximately 80 acres of treatment annually, but our current backlog of pre-commercial thinning needs exceeds 1,000 acres. Many other tribes face a similar situation, with extensive backlogs of unfunded projects. Failing to complete these projects endangers future timber revenues with forest overcrowding, insect attack vulnerability and fire hazard.

This has a direct impact on Tribal self sufficiency. Despite attempts to include funding for these types of projects in the economic stimulus packages, no additional money has been allocated to the BIA or to Tribes to address the backlog of timber stand improvement needs. For the Siletz Tribe, $250,000 would be needed to erase the current pre-commercial thinning backlog.

Therefore, we support the proposed increase in $5 million for BIA Forestry.

8. Education. Education is the best investment we can make for the future of individual tribal members and the tribe as a whole. This is a trust responsibility that the federal government does not fulfill. BIA funding for education is woefully inadequate: k-12 services through the Johnson O'Malley Act have been frozen at the 1995 level or $89,900. This does not cover a full staff position, let alone services to children; Adult Education was funded just under $3,000; Adult Vocational Training was $83,691; and Higher Education received $116,147. Actual Tribal costs to cover all these services were $1,082,346. BIA funds only 27% of our need.

The Tribe strongly urges funding JOM at $36 million and allocating $100 million for Adult Education, Adult Vocational Training and Higher Education Scholarships.

Mr. CALVERT. Stay to the 5 minute rule. I apologize. There are a lot of folks here, and just a limited amount of time to do all this, but——

Mr. LANE. Thank you.

Mr. CALVERT [continuing]. We certainly appreciate your testimony. But all your written testimony will be taken for the record, and will be reviewed by members and staff, so we appreciate it.

Next is Aaron Hines, the general council chairman, Confederated Tribes of the Umatilla Indian Reservation.

WEDNESDAY, APRIL 24, 2013.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

WITNESS

AARON HINES

Mr. HINES. Thank you, Chairman Calvert, Members of the Committee. My name is Aaron Hines, and I am the general council chairman for the Confederated Tribes of the Umatilla Indian Reservation in Oregon.

The Confederated Tribes of the Umatilla Indian Reservation, CTUIR, consist of a little over 2,900 members, who primarily live on our reservation in Northeastern Oregon. In 1855 our tribe signed a treated with the U.S. government, ceding over 6.4 million acres to the United States. However, we reserved rights to fish, hunt, and gather foods and medicines within the ceded lands, which today is Northeastern Oregon and Southeastern Washington. Before I get into specific requests, I want to request that the committee recognize the Federal Government's earliest treaty commitments when it takes action on the BIA and IHS budgets. We recognize that our country and this Congress confront a difficult budget climate, but that climate does not justify breach of the government's treaty and trust obligations to tribes.

Generally, the CTUIR is pleased at the President's fiscal year 2014 budget requests for BIA, and IHS, and tribal related programs has held its ground from 2012 enacted level. Subject to more specific comments below, we support the $31 million increase in BIA budget, and the $234 million in IHS budget, over fiscal year 2012 enacted levels. The CTUIR has compacted nearly all available BIA and IHS functions under the Indian Self-Determination and Education Assistance Act. A receipt of full contract support costs is essential to administering these programs. We have recently filed claims both against the BIA and IHS for the underpayment of contract support costs. Our claims are based on the U.S. Supreme Court ruling in the Salazar v. Ramah Navajo Chapter case. The CTUIR supports the CSC budget increases of $9.8 million for the BIA, $1 million of which is for the Indian Self-Determination Fund, and $5.8 million for the IHS. We urge this subcommittee to ensure that CSC appropriations fully fund tribal contract support costs.

The CTUIR is actively engaged in negotiations for a water rights settlement for our tribal homeland in the Umatilla Basin, where

agricultural diversion have seriously impacted once abundant salmon runs. A Federal Indian water rights negotiation team has been appointment, and our negotiations have been ongoing for over a year, and are making real progress. The CTUIR supports the $1.5 million budget for litigation support, attorneys' fees to support our water rights negotiations. There has been no funding under this budget category for the past 2 years. The tribes also support the $8.6 million budget for water rights negotiation litigation line item, which is the same as the 2012 enacted level.

The CTUIR strongly supports a $32.4 million budget increase for trust natural resource management, which includes $9.8 million to cooperative landscape conservation, $7.7 million to rights protection implementation, $5.1 million to forestry, and three million to fish, wildlife, and parks, and two million to tribal management development.

The CTUIR supports the $19 million increase in the public safety and justice budget. The CTUIR played a leading role in addressing public safety issues in Indian country by advocating for, and implementing, the Sex Offender Registration and Notification Act, and the Tribal Law and Order Act on the reservation, and advocating for the tribal provisions in the reauthorization of the Violence Against Women Act. The provisions of effective law enforcement, fire protection, tribal court services are essential for our tribal government and community.

The CTUIR is opposed to the proposed reductions for unexplained and undefined administrative cost savings. Last year the BIA held a series of consultation meetings on their streamlining initiative. Since the consultations concluded, tribes have heard nothing regarding the consultation results. The 2014 proposed budget includes $19.7 million of BIA reductions that are a result of streamlining and improved oversight. Additionally, the budget proposes $13.9 million reduction as a result of invoking management efficiencies.

The CTUIR supports the $35 million in the Purchased Referred Care Program, formerly known as contract healthcare services. Our Yellowhawk Tribal Health Center, located on our reservation, operates under a self-governance compact with the IHS. Yellowhawk provides outpatient health care, as well as alcohol and drug treatment.

In conclusion, Mr. Chairman, I just wanted to thank the committee for hearing my testimony, and we also thank Congress's recent action on the Violence Against Women Act. The Umatilla is one of two tribes in the nation to implement the authority of the Tribal Law and Order Act. That places us in a unique position to positively demonstrate the nubile authorities to prosecute domestic violence on our reservation, and I thank you for your time.

[The statement of Aaron Hines follows:]

Testimony of Aaron Hines, Chairman of the General Council
Confederated Tribes of the Umatilla Indian Reservation
Before the House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment and Related Ageneies
Hearing on FY 2014 Appropriations
American Indian/Alaska Native Programs
April 24, 2013

Chairman Simpson, and Ranking Member Moran: I am Aaron Hines, Chairman of the General Council of the Confederated Tribes of the Umatilla Indian Reservation of Oregon.

Summary

1) **Support the President's budget request for the BIA and IHS**
2) **BIA and IHS Contract Support Costs: Support for Budget Increase and Opposition to the Individual Tribe Contract Support Cost Caps**
3) **BIA Budget Comments**
   a. **Support for BIA Water Rights Negotiation/Litigation Funding**
   b. **Support for Increase in Budget for Trust Natural Resources Management: $32.4 million**
   c. **Support for Increase in Budget for Public Safety and Justice: $19 million**
   d. **Opposition to Proposed Reductions in Administrative Cap Savings**
4) **IHS Budget Comments**
   a. **Support for Increased Purchased/Referred Care Program: $35 million**
   b. **Support for Reimbursement Increase: $119.5 million**
   c. **Support for NPAIHB Testimony**
5) **Treaty Fisheries Management: Support for CRITFC Testimony**
6) **Department of Interior Land Buy Back Program: Support for Tribal Cooperative Agreements**

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) consist of 2,926 members who primarily live on our Reservation in northeast Oregon. In 1855, our tribes signed a treaty with the U.S. government ceding over 6.4 million acres to the United States. We reserved rights to fish, hunt, and gather foods and medicines within the ceded lands, which today is northeastern Oregon and southeastern Washington. These lands are in the congressional districts of Congressmen Greg Walden and Doc Hastings and Congresswoman Cathy McMorris Rodgers.

Before I get into specific requests, I want to request that the Committee recognize the federal government's earliest Treaty commitments when it takes action on the BIA and IHS budgets. We recognize that our country and this Congress confront a difficult budget climate, but that climate does not justify a breach of the government's Treaty and trust obligations to Tribes.

1)Support the President's budget request for the BIA and IHS

Generally the CTUIR is pleased that the President's FY14 budget request for BIA and IHS and

tribal related programs has held its ground from 2012 enacted level. Subject to our more specific comments below, we support the $31 million increase in the BIA budget, and the $234 million increase in IHS budget over FY12 enacted levels.

2) BIA and IHS Contract Support Costs: Support for Budget Increase and Opposition to the Individual Tribe Contract Support Cost Caps

The CTUIR has compacted nearly all available BIA and IHS functions under the Indian Self-Determination and Education Assistance Act. Our receipt of full contract support costs (CSC) is essential to administering these programs. We have recently filed claims against both the BIA and IHS for the underpayment of contract support costs. Our claims are based on the U.S. Supreme Court ruling in the Salazar v. Ramah Navajo Chapter case. While the CTUIR supports the CSC budget increases of $9.8 million for the BIA, $1 million of which is for the Indian Self-Determination Fund, and $5.8 million for the IHS, we urge the Subcommittee to ensure that CSC appropriations fully fund tribal contract support costs.

We request that an additional $1 million be added to the proposed $1 million for the Indian Self-Determination Fund making the total for this fund $2 million. These funds are used to pay contract support for new and expanded compacting/contracting of programs.

We object to the Administration's proposal to impose CSC funding caps on each tribal contractor as set forth in a table that we have not seen nor been consulted about. In our view, this issue is simple: federal law authorizes tribes to take over BIA and IHS programs pursuant to the statutory federal government obligation to pay associated CSC. The CSC shortfall reports submitted by the BIA and IHS to Congress document the deficiencies Tribes have experienced. We simply ask that this statutory obligation be honored – and funded

3) BIA Budget Comments

a. Support for BIA Water Rights Negotiation/Litigation Funding

The CTUIR is actively engaged in negotiations for a water rights settlement for our tribal homeland in the Umatilla Basin, where agricultural diversion have seriously impacted once-abundant salmon runs. A federal Indian water rights negotiation team has been appointed and our negotiations have been ongoing for over a year and are making real progress.

The CTUIR supports the $1.5 million budget for litigation support/attorneys' fees to support our water rights negotiations. There has been no funding under this budget category for the past two years. Because of the significant backlog of requests for this funding, the CTUIR urges that this funding line item be increased to $3 million.

The CTUIR also supports the $8.6 million budget for water rights negotiation/litigation line item, which is the same as the 2012 enacted level. This technical funding is critical to the technical work needed to achieve a Tribal water rights settlement.

b. Support for Increase in Budget for Trust Natural Resource Management: $32.4 million

The CTUIR strongly supports the $32.4 million budget increase for Trust Natural Resource Management which includes increases of $9.8 million to cooperative landscape conservation, $7.7 million to Rights Protection Implementation, $5.1 million to Forestry, $3 million to Fish, Wildlife and Parks, and $2 million to Tribal Management and Development.

c. **Support for Public Safety and Justice: $19 million**

The CTUIR supports the $19 million increase in the Public Safety and Justice budget. The CTUIR played a leading role in addressing public safety issues in Indian Country by advocating for and implementing the Sex Offender Registration and Notification Act and the Tribal Law and Order Act on our reservation and advocating for the tribal provisions in the reauthorization of the Violence Against Women Act. The provision of effective law enforcement, fire protection, tribal court services are essential for our tribal government and community.

d. Opposition to Proposed Reductions in Administrative Cap Savings

The CTUIR is opposed to the proposed reductions for unexplained and undefined Administrative Cost Savings. Last year the BIA held a series of consultation meetings on their Streamlining Initiative. Since the consultations concluded, Tribes have heard nothing regarding the consultation results. The 2014 proposed budget includes $19.7 million of BIA reductions that are a result of streamlining and improved oversight. Additionally the budget proposes $13.9 million reduction as a result of invoking management efficiencies. While the BIA proposes to engage in continuous consultation with tribes, the BIA has not carried through on its promise in 2012 to make no changes until tribal consultations had been completed. The CTUIR objects to these budget elements until such time as we understand what improvements in streamlining, oversight and management efficiencies are involved and how Tribes will be affected.

4) IHS Budget Comments

a. Support for Increased Purchased/Referred Care Program: $35 million

The CTUIR supports the $35 million increase in the Purchased/Referred Care Program (PRC), formerly known as Contract Health Care Services. Our Yellowhawk Tribal Health Center (Yellowhawk), located on our Reservation, operates under a self-governance compact with the IHS. Yellowhawk provides outpatient health care, as well as alcohol/drug treatment, nutrition programs, senior meals and caregiver services. Due to shortfalls in our previous PRC funding, there have been times when we have had to ration medical care that we do not provide in-house or put off such care until the new fiscal year. Increased funding will help Yellowhawk address our tribal communities' health care issues including diabetes, mental health, substance abuse, women's health and aging issues.

b. Support for Reimbursement Increase: $119.5 million

The CTUIR supports the $119.5 million reimbursement increase in the IHS budget, which includes an increase of $95 million as a result of the expansion of Medicaid eligibility under the Affordable Care Act. 21% of Yellowhawk patients are Medicaid eligible, this third party funding will enable Yellowhawk to provide needed health care services to that vulnerable patient population.

c. Support for NPAIHB Testimony

The CTUIR, as a member of the Northwest Portland Area Indian Health Board (NPAIHB), supports the testimony on the IHS budget being provided today before the Subcommittee by NPAIHB Chair, Andy Joseph.

5) Treaty Fisheries Management: Support for CRITFC Testimony

Perhaps the most cherished of our reserved Treaty Rights and first foods is our salmon fishery. To assert and protect that Treaty Right, the CTUIR was a founding member of the Columbia River Inter-Tribal Fish Commission (CRITFC), our policy and technical coordinating agency for treaty fisheries management for Columbia River and International Fisheries. We support the testimony you will hear today from CRITFC Chairwoman N. Kathryn Brigham, an enrolled CTUIR member.

6) Department of Interior Land Buy Back Program: Support for Tribal Cooperative Agreements

The Department of Interior has initiated the implementation of the $1.9 billion land consolidation element of the Cobell Settlement by the release of its Initial Implementation Plan (Implementation Plan) last December. The Umatilla Indian Reservation is 29th on the list of the 40 most fractionated reservations under the Implementation Plan. For that reason we have a strong interest in the success of the land buy-back program. We believe that affected Tribe participation is essential to the success of the program. We encourage the Subcommittee to direct the Department to enter cooperative agreements with those affected Tribes who are interested in, and capable of, assisting the Department in its implementation of the land buy-back program. The CTUIR stands prepared to do so.

In conclusion, I want to again thank the Committee for your commitment to funding these important programs to the Confederated Tribes of the Umatilla Indian Reservation. Your work here continues the solemn trust obligations of the United States.

Mr. CALVERT. Thank you for your testimony.

Next, Ron Suppah, Vice Chairman of The Confederated Tribes of Warm Springs Reservation of Oregon.

WEDNESDAY, APRIL 24, 2013.

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

WITNESS

RON SUPPAH

Mr. SUPPAH. Good morning, Mr. Chairman, committee members. We appreciate the opportunity to testify today. I am Ron Suppah, Vice Chairman for The Confederated Tribes of Warm Springs Oregon.

We suffer from an approximate 60 percent unemployment rate on our reservation, which severely hampers us, as far as taking care of our people. And I think that we have to recognize that, of the over 5,200 tribal members, probably a majority of them choose to live on the reservation. So, with no jobs, and with cuts in health care and education, et cetera, the problem of taking care of our people's needs is severe. I guess our Federal appropriate priorities reflect the circumstances we face, and we would like to maybe speak to those.

Number one, Indian Health Service. In 1992, because we were on a waiting list of about 30 tribes nationally for IHS facility replacement and construction, we chose to approach the Congress and go into the development of a joint venture agreement, where Warm Springs agreed to finance the construction of our own IHS facility, and IHS, per that agreement, agreed to fund and staff that facility. But, in recent years, the IHS and Federal funding for our facilities decreased dramatically, and hampers our abilities to address our healthcare needs for our tribal members.

Number two, tribal forest management. Warm Springs is a timber tribe, and we do have a mill, which has teetered on being closed due to severe impacts on our reservation created by wildfires. And in most instances, the bigger fires are coming from off reservation Federal lands, such as U.S. Forest Service, and they jump onto the reservation, and we have problems with fighting those fires, and then also for reconditioning and recovering those lands after the event.

Conventional oversighted funding is needed to effectively implement the Tribal Forest Protection Act. On a policy matter, Warm Springs asked that Congress review and enact proposed changes to the TFPA identified Bay Review Committee. Testimony from the Inter-tribal Timber Council will go into further detail. Warm Springs urges this subcommittee to adopt the $5.1 million increase for BIA forestry proposed for fiscal year 2014, and to further add an additional five million to begin moving BIA forestry towards parity with other Federal forestry budgets. The independent 1993 and 2003 IFMAT reports documented that the BIA forestry per acre management funding is far less than what is provided for national, state, and private forests.

By supporting the proposed $5.1 million BIA budget increase, and supplementing that with an additional five million, that will start to shore up the eroded Federal Trust responsibility, making a needed investment in the single most productive Federal timber program, and provide jobs and countless social and economic benefits for tribal communities.

Number three, DOI has an—prioritization and allocation system. Warm Springs aligns itself with the comments of the Inter-Tribal Timber Council in requesting that BIA wild and fire budget be removed from the HFPAS formula, which does not adequately prioritize tribal resources.

Number four, the Bureau of Indian Affairs and Office of Special Trustee have been confronted with trust mismanagement claims from individual—and tribes for mismanaging both monetary assets and non-monetary, or natural, resources that span many decades. The Inter-Tribal Monitoring Association has provided a very valuable essential source of policy level information and analysis, technical assistance, legal research, and help in facilitating interactions between the tribes and Federal officials to engender more trust-efficient relationships and resolutions. And the reason that Warm Springs brings this point to the subcommittee's attention is that, with the restructuring of the government, the OST has taken the position that they will no longer fund ITMA, which was under contract to provide those very needed services to the tribes.

BIA, IHS contract support. Since 1975, tribal self-determination, pursuant to Public Law 93-638, has been the keystone of Federal Indian policy. Unfortunately, BIA and IHS budgets have failed to complete the reimbursed tribes for unavoidable——

Mr. CALVERT. Gentleman would just conclude the comments, please?

Mr. SUPPAH. Okay.

Mr. CALVERT. Thank you.

Mr. SUPPAH. And I guess, lastly, the BIA jail that we have at Warm Springs had a life expectancy of 25 years. There was a lawsuit filed, and it was directed that there be some reconditioning and rebuilding. But subsequently, the BIA, at that time, stated that we could no longer hold juveniles in that facility. So now we are in a dilemma to where we need to maybe replace that BIA jail facility, and we feel that we need help with negotiating that with mainly Department of Justice.

I thank you for your time. Okay. Thank you.

[The statement of Ron Suppah follows:]

Testimony of Ron Suppah
The Confederated Tribes of the Warm Springs Indian Reservation
Before the House of Representatives
Committee on Appropriations, Subcommittee on Interior
and Related Agencies
Hearing on FY 2013 Appropriations
April 24, 2013

SUMMARY

Mr. Chairman, I am Ron Suppah, Vice-Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. For the Warm Springs, I offer the following recommendations for FY 2014 Bureau of Indian Affairs (BIA) Budget.

1) **Indian Health Service: Support overall increase in funding:**
2) **BIA TPA Forestry: support the Administration's $5.1 million increase, and further the increase by $5 million to begin moving BIA Forestry toward parity with similar federal forestry budgets**
3) **DOI Wildland Fire Management:**
    a) **Restore hazard fuels funding to $216 million, and**
    b) **remove the BIA/tribal fuel funding from the DoI HFPAS formula and set a minimum alloeation at 25% of the DoI hazard fuel allocation but no less than $50 million annually;**
4) **Trust Reform – Inter-Tribal Monitoring Association.**
5) **Support the proposed $9.8 million increase in Contract Support.**
6) **Public Safety – Detention Facilities**
7) **Treaty Fisheries Management**

Chairman Simpson, and Ranking Member Moran: Our people are the Warm Springs, Wasco and Paiute tribes. Our over 640,000 acre Reservation in central Oregon ranges from the snow-capped Mt. Jefferson to the salmon-bearing Deschutes River; with forests, farmland and high desert between.

The vast majority of our tribal members live on the Reservation, where we are suffering from almost 60% unemployment. A recent study ranked the town of Warm Springs as having the second highest incidence of poverty in Oregon. Putting our people to work and providing basic social services –especially health care and education -- for our members is extremely challenging at Warm Springs. Possibly more challenging than anywhere in Indian Country, or the nation at large.

Our federal appropriations priorities reflect the circumstances we face, and I deeply appreciate your invitation to speak before you today.

1) Indian Health Service:

- Joint Venture: In 1992 Congress authorized a Joint Venture agreement between the IHS and Warm Springs. The Tribe financed construction of a new clinic and the IHS agreed to fully fund and staff the facility. Unfortunately, federal funding has been far short of its commitment. The Warm Springs support the proposed $4.430 billion in budget authority and $5.662 program level for IHS, for a total increase of $234.6 million over the FY 2012 enacted level. This would be an historic funding level. Of that amount, the Warm Springs request a $1.9 million increase in funding for IHS Hospitals and Clinics to provide full direct services for the Warm Springs Joint Venture. We request full restoration of funding for Community Health programs.

2) Tribal Forest Management: The Warm Springs Tribe, pursuant to contract with the BIA, manages the forest land on the Warm Springs Reservation. Management of our forests has traditionally employed tribal members at our lumber mill, which closed last summer. The significant threat from and costs of wildfire make urgent a steady commitment to forest management. Hundreds of thousands of acres of the Warm Springs Reservation has been destroyed by wildfire in the last several years. Many of these fires came from adjacent federal lands.

Congressional oversight and funding is needed to effectively implement the Tribal Forest Protection Act ("TFPA"). On a policy matter, Warm Springs asks that Congress review and enact proposed changes to the TFPA identified by a review committee. Testimony from the Inter-Tribal Timber Council will go into further detail.

Warm Springs urges this Subcommittee to adopt the $5.1 million increase for BIA Forestry proposed for FY 2014, and to further add an additional $5 million to begin moving BIA Forestry toward parity with other federal forestry budgets. The independent 1993 and 2003 IFMAT reports documented that the BIA Forestry per-acre management funding is far less than what is provided for National Forests, and state and private forests.

Supporting the proposed $5.1 million BIA Forestry increase and supplementing that with an additional $5 million will start to shore-up the eroded federal trust responsibility, make a needed investment in the single most productive federal timber program, and provide jobs and countless social and economic benefits for tribal communities.

3) DOI Hazardous Fuels Prioritization and Allocation System: Warm Springs aligns itself with the comments of the Inter-Tribal Timber Council in requesting that BIA wildland fire budget be removed from the HFPAS formula, which does not adequately prioritize tribal resources.

4) Trust Reform (ITMA):

The Bureau of Indian Affairs and Office of the Special Trustee have been confronted

with trust mismanagement claims from individual Indian allottees and Tribes for mismanaging both monetary assets and non-monetary or natural resource assets that span many decades. The Inter-Tribal Monitoring Association has provided a very valuable central source of policy-level information and analysis; technical assistance, legal research, and help in facilitating interactions between tribes and federal officials to engender more trust effective relationship and resolutions.

6) BIA/IHS Contract Support: Since 1975, Tribal Self-Determination pursuant to P.L. 93-638 has been the keystone of federal Indian policy. Unfortunately, BIA and IHS budgets have failed to completely reimburse tribes for unavoidable administrative expenses. At Warm Springs, we have about $17 million under BIA and IHS P.L. 93-638 contracts. With declining tribal revenues, we are less able to implement federal policy. As such, we support the $231 million in the budget for contract support costs, an increase of $9.8 million over FY 2012. However, that total is still below the target $242 million requirement for BIA contract support for FY 2014

7) Public Safety – Detention Facilities

The Warm Springs Detention Center is owned by the BIA. It was upgraded in response to a lawsuit from the U.S. Department of Justice. The useful life of that facility upgrade has exceeded the twenty-five year expectancy and the facility has once again fallen into serious disrepair, community justice and safety cannot be assured nor can inmate life, health and safety be protected. Additionally, the BIA has forbidden its use for housing juvenile offenders which has resulted in having to contract with costly off-reservation juvenile detention facilities and services for criminal acts. The facility replacement and cost must be addressed as a joint obligation of the Bureau of Indian Affairs' Office of Law Enforcement Services and the collateral entities of the U.S. Department of Justice.

Warm Springs supports the proposed $19 million increase for BIA public safety and justice.

8) Treaty Fisheries Management: The Confederated Tribes of Warm Springs is a founding member of the Columbia River Inter-Tribal Fish Commission, our policy and technical coordinating agency for treaty fisheries management for Columbia River and International Fisheries. We support the testimony given today from CRITFC.

Mr. CALVERT. Thank the gentleman. Do you have any questions? Excellent testimony. I appreciate the passion in which you are giving your testimony, and we will review that. And, with that, you are excused, and we will introduce the next panel.

The next panel will be Andy Joseph, Junior, Chairperson, Northwest Indian Health Board.

Kathryn Brigham, Chairwoman of the Columbia River Inter-Tribal Fish Commission.

Phil Rigdon, President, Inter-Tribal Timber Counsel.

W. Ron Allen, Tribal Council Chairman and CEO of the Jamestown S'Klallam Tribe. And Mr. Allen is testifying twice, for the United States Commissioner, Pacific Salmon Commission.

And we are all up here, so I will start with Andy Joseph, Northwest Indian Health Board.

WEDNESDAY, APRIL 24, 2013.

NORTHWEST INDIAN HEALTH BOARD

WITNESS

ANDY JOSEPH, JR.

Mr. JOSEPH. Good morning, committee. My name is Badger in my language. I am Andy Joseph, Junior. I am on the Commonwealth Confederate Tribes Business Council, and I chair the Northwest Portland Area Indian Health Board. I am testifying on the IHS 2014 budget. My written testimony has been submitted to the subcommittee, and I will summarize the recommendations by underscoring that there is a Federal trust responsibility to provide healthcare to Indians, and, due to the chronic underfunding of the IHS, and the lack of access to healthcare, our people suffer high health disparities. These facts make a compelling reason for Congress to provide an adequate level of funding for IHS budget.

Fundamentally, Northwest Tribes believe a simple principle, is that IHS programs must be preserved by the President and Congress in the budget process by maintaining a current level of health carrier services, otherwise, how can unmet needs ever be addressed if the existing program is not maintained?

For the fiscal year 2014 IHS budget, we recommend the following. First, we recommend that the subcommittee restore the $228 million that was sequestered from the IHS budget. We believe this was a legislative drafting error, and an unintended consequence in the Budget Control Act. Other Federal healthcare programs were protected up to a two percent cut. It did not make sense not to have a similar protection applied to IHS. Like Medicaid and the VA, IHS also provides expense and vital healthcare services. I want to emphasize that, while the deficit reduction is targeted at discretionary spending, IHS funding is not discretionary. It is funding that is provided in fulfillment of the United States Trust responsibility and treaty obligations. To sequester this funding objurgates Congress legal and moral responsibility under the Federal Trust relationship. I hope you will agree to restore this funding.

Two, we recommend the subcommittee provide adequate funding to maintain current services by funding inflation and population growth in fiscal year 2014. We estimate it will take at least $213 million to fund medical and general inflation, and an additional $89 million to fund population growth.

Third, we recommend that the subcommittee fully fund contract support costs for those tribes that operate their own health care systems. Without full funding, tribes are forced to reduce direct services in order to absorb CSC shortfalls. The total amount of the full funding contract support costs is estimated to be $617 million. The Congressional justification proposes damaging language on contract support costs that is intended to cap payments to tribes. This is a radical and unfortunate reaction to a recent court decision, intended to block tribes from pursuing past years' claims. This proposal is inconsistent with the President's executive order on tribal consultation, and in violation of the IHS tribal consultation policy. We respectfully request the subcommittee to reject the recommended changes by IHS until the agency and administration have consulted with tribes about the proposed changes.

Fourth, our final recommendation is that the subcommittee halts funding for the facilities construction and staffing packages as a deficit reduction strategy. It does not make sense to continue to fund new facilities when overall health services must be reduced to comply with the deficit reduction plans. When new facilities are constructed, they carry liability for a staffing package, at the expense of all other tribes that do not, and cannot, access facilities construction funds. It is more effective to maintain current services by directing the funding to inflation and population growth for the benefit of all tribes.

Thank you, and I would gladly take half of Ron Allen's time.

[The statement of Andy Joseph, Jr. follows:]

Testimony of Andrew Joseph, Jr.
The Northwest Portland Area Indian Health Board

Before:

House Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing

April 24, 2013

Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues. Over the past twenty-one years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. It is used by the Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

Indian Health Disparities

The Indian Health Care Improvement Act (IHCIA) includes a declaration of national Indian health policy for the Congress and this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians, to ensure that the highest possible health status for Indians is achieved and to provide all resources necessary to effect this policy.[1] This declaration recognizes that Congress has a duty to elevate the health status of American Indian and Alaska Native (AI/AN) people to parity with the general U.S. population and to provide the resources necessary to do so.

While there has been success at reducing the burden of certain health disparities, evidence continues to document that other types of diseases are on the rise for Indian people.[2] An analysis of Medicaid data in Washington State indicates that infant mortality among AI/ANs was twice the rate for the Medicaid population as a whole. Compared to the rest of the world, the AI/AN infant mortality rate was higher in Washington State than in Poland, Slovakia, Estonia, Malaysia, Thailand, and Sri Lanka. Contributing factors included deaths due to Sudden Infant Death Syndrome (SIDS) at a rate 3 times higher among Indians compared to the total Medicaid population, deaths due to injuries at a rate 5 times higher among Indians, and a rate of deaths from complications of pregnancy and delivery 50 percent higher than the total Medicaid population.

Medicaid data from Washington State also provided an analysis of the risk factors that lead to poor pregnancy outcomes. Compared to all pregnant women on Medicaid, Indian pregnant women were 2.7 times more likely to have a mental health diagnosis, 3.3 times the rate of alcohol and substance abuse, a 70 percent higher rate of smoking, and a 30 percent higher rate of obesity. According to the most recent reports from IHS, AI/ANs die at higher rates than other Americans from tuberculosis (500 percent higher), alcoholism (514 percent higher), diabetes

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[1] 25 USC § 1601

[2] Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services*, December 2007. Available: http://www.doh.wa.gov/hws/HWS2007.htm.

(177 percent higher), unintentional injuries (140 percent higher), homicide (92 percent higher) and suicide (82 percent higher).[3] A number of factors contribute to persistent disparities in AI/AN health status. AI/ANs have the highest rates of poverty in America, accompanied by high unemployment rates, lower education levels, poor housing, lack of transportation and geographic isolation. All of these factors contribute to insufficient access to health services.

Most important for this Subcommittee, is that historic and persistent under-funding of the Indian healthcare system has resulted in problems with access to care, and has limited the ability of the Indian healthcare system to provide the full range of medications and services that would prevent or reduce the complications of health disparities. This is why our recommendations are so important to the work of this Subcommittee.

Per Capita Spending Comparisons

The most significant trend in the financing of Indian health over the past ten years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2% in FY 2001 and last year's 14% increase, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2011, we estimated that it would take at least $474 million to maintain current services[4]. The final appropriation for the IHS was a mere $16.5 million increase, falling short by $454 million. This meant that Tribes had to absorb unfunded inflation and population growth by cutting health services. The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.[5] The Tribal Needs Based Budget estimates that $26 billion would fully fund the health care needs of Indian people through the IHS budget.

Recommendation No. 1: NPAIHB recommends that Congress restore the $228 million sequestration to the IHS appropriation in FY 2014.

The Budget Control Act of 2011 (BCA) established procedures designed to reduce the federal budget deficit. The BCA triggers a sequestration of discretionary and mandatory spending since the Joint Select Committee on Deficit Reduction and Congress failed to enact legislation to reduce the deficit. This has triggered automatic spending reductions, which include a sequestration of discretionary spending through FY 2021. The BCA includes references to requirements in the Balanced Budget and Emergency Control Act of 1985 (BBECA or P.L. 99-177), at Section 256, "Exceptions, Limitations, and Special Rules," which establishes limitations

[3] Website http://www.ihs.gov/Public Affairs/IHSBrochure/Disparities.asp. AI/AN data from 2004-2006 are compared with U.S. All Races data for 2005.
[4] FY 2011 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 12, 2010; available: www.npaihb.org.
[5] Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

on the amount of funds that can be sequestered for certain programs (Subsection 256(k)). This section stipulates that IHS health services and facilities funds can be sequestered at no more than 2 percent.

However when the sequestration was carried out, OMB and Congress both interpreted that the IHS appropriation was subject to a full sequestration and that Subsection 256(k) did not apply. This resulted in a $228 million reduction to the IHS appropriation. Both the Administration and Congress have indicated that they believed the IHS appropriation was protected from a full sequestration and could only be reduced by the 2 percent cap contained in Subsection 256(k).

It is the position of Northwest Tribes that this was a drafting error and unintended consequence. Other federal health care programs were protected up to a 2 percent sequestration in accordance with Subsection 256(k). It does not make sense to have a similar protection not apply to the IHS appropriation. IHS also provides expensive and vital health care services. Most importantly, we emphasize that while deficit reduction may be targeted at discretionary spending and recognize that the IHS appropriation falls into this funding classification however, IHS funding is not "discretionary" by its mere nature. This funding is provided in recognition of the United States federal trust responsibility to fulfill treaty obligations. To sequester this funding abrogates Congress' legal and moral responsibility under the federal trust relationship.

Recommendation No. 2: Maintain Current Services by Funding Inflation & Population Growth

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request and Congress. Preserving the IHS base program by funding the current level of health services should be a fundamental budget principle of Congress. Otherwise, how can unmet needs ever be addressed if the existing program is not maintained? Current services estimates' calculate mandatory costs increases necessary to maintain the current level of care. These "mandatories" are unavoidable and include medical and general inflation, federal and tribal pay act increases, population growth, and contract support costs.

Inflation and population growth alone using actual rates of medical inflation extrapolated from the Consumer Price Index (CPI) and IHS user population growth predict that at least $302 million will be needed to maintain current services in FY 2014. Compound this with the fact that $77 million of the President's proposed $124 million increase is directed at staffing ten new facilities, will only leave $47 million to cover current services. The President's request will fall short by $255 million.

Recommendation No. 3: Fully fund IHS Contract Support Costs

NPAIHB recommends that Congress fully fund IHS CSC in FY 2014. The choice of tribes to operate their own health care systems and their ability to be successful in this endeavor depends upon the availability of CSC funding to cover fixed costs. Without full funding, tribes are forced to reduce direct services in order to cover the CSC shortfall. Adequate CSC funding assures that tribes, under the authority of their Self-Determination Act contracts and Self-Governance compacts with IHS, have the resources necessary to administer and deliver the highest quality health care services to their members without sacrificing program services and funding. Most

importantly, full funding of contract support costs is a contract obligation that the federal government must honor by law. The total amount required to fully cover contract support cost requirements in FY 2014 was estimated to be $617 million in December of 2012 by the National Tribal Contract Support Costs Coalition."

NPAIHB also notes that the IHS FY 2014 Congressional Justification proposes damaging language on contract support costs that is intended to cap contract support cost (CSC) payments to Tribes and tribal organizations. This is a radical and unfortunate reaction to a recent court decision. The proposed language by the Administration is intended to block Tribes and tribal organizations from pursuing any contract claims for underpayments which occur next year. The proposal makes reference to a "table" that has been submitted to the appropriations committees showing each Tribe's and tribal organization's capped amount of CSC for 2014. The tables have not been disclosed with Tribe nor included any form of Tribal consultation. This proposed policy is inconsistent with the President's Executive Order on Tribal Consultation and in violation of the IHS own Tribal Consultation policy.

Thus, we respectfully request that the Subcommittee reject the recommended changes by IHS until the Agency and Administration have consulted with Tribes about the proposed changes. We further recommend that the Subcommittee coordinate with House Resources Subcommittee on Indian and Alaska Native Affair to convene an oversight hearing on contract support cost issues to address future CSC funding issues in light of the recent *Ramah* decision.

Recommendation No. 4: Halt facilities construction as a deficit reduction strategy

The NPAIHB recommends that the Subcommittee place a moratorium on facilities construction funding including staffing packages for new constructed facilities. The Subcommittee must recognize that when new facilities are constructed it carries a liability for a staffing package that must be funded annually. The inequity of facilities construction funding is that it provides a disproportionate share of funding to a few select Tribal communities. The significance of facilities funding, both for construction and staffing new facilities, is that it removes funds necessary to maintain current services (pay costs, inflation, and population growth) from the IHS budget increase. While Congress undergoes deficit reduction and the Administration sequestration, it is not appropriate to take valuable health care resources to build and staff new facilities at a select few Tribal communities while health services must be reduced to absorb budget cuts. It is more appropriate to maintain the current health care program by directing this funding to fund inflation and population growth in all health care programs.

Thank you for this opportunity to provide our recommendations on the FY 2014 IHS budget. I am happy to respond to any questions from the Subcommittee.

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Mr. CALVERT. Thanks. Thank the gentleman.
Next, Kathryn Brigham.

WEDNESDAY, APRIL 24, 2013

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

WITNESS

N. KATHRYN BRIGHAM

Ms. BRIGHAM. I am taking half of Ron Allen's time.

Good morning, committee members, and I am very pleased to see Representative Jaime Beutler here, because she is to join the committee as a Columbia River Member of Congress. My name is Kat Brigham. I am a member of the Confederated Tribes of the Umatilla Indian Reservation, the Board of Trustees Secretary, and the chairman of the Columbia River Inter-Tribal Fish Commission. It is my pleasure today to address you about the funding needs of the Columbia River Inter-Tribal Fish Commission and the fisheries programs for each of our member tribes, which is the Yakima Nation of Washington, Warm Springs, and Umatilla Tribe of Oregon, and Nez Perce Tribe of Idaho.

Our base funding is from the Bureau of Indian Affairs Rights Protection Implementation Account. Our programs are carried out pursuant to the Indian Self-Determination Assistance Act. We conduct the competence of treaty rights implementation program, intended to maintain compliance with our tribal treaties, court orders, regional inter-governmental agreements, and international salmon treaties. Together, our tribes manage and co-manage land equivalent to the state of Georgia, which is ⅓ of the Columbia River Basin.

We are leaders in ecosystem management, working in collaboration and partnership with five states, 13 Federal agencies, and several private entities. CRITFC and its member tribes have a goal in the region to halt the decline of salmon, lamprey, sturgeon populations, and rebuild them to levels that support ceremonial, subsistence, and commercial. To achieve this objective, we emphasize the highest level of scientific rigor, and cost-effective management strategy, and holistic approaches to the protection of our fresh foods. While many of the Pacific salmon coast stocks remain in distress, our tribes are building Columbia Basin success acre by acre, tributary by tributary, and stock by stocks, and I have some booklets here, if you want to look at them.

And we are deeply appreciative of this committee's ongoing support for tribes in our core programs, including rights protection implementation, but the need remains high, and cuts from sequestration have hit us hard. As tribal leaders, we have learned that if you take care of the land, the land will take care of you, and we have always planned for the next seven generations, but the U.S. has land that can no longer take care of its U.S. citizens. We already have hampered in our basin, and we do not want this area to expand, or add any other area in the Columbia Basin. That is why we are asking for this committee's support to meet, or exceed, the

President's request for the base program for our member tribes' fisheries programs.

Specifically, we request a total of $49.5 million for rights protection implementation, and that is based upon this book, where 41 tribes got together, talked about rights protection. We have $12.8 million above the President's request, of which $7.7 million is for Columbia River fisheries management, which is $2.5 million above the President's request. We support the President's request for $4.84 million for the U.S.-Canadian Pacific Salmon Treaty to implement the obligations adopted by the U.S. and Canada. We support the President's request for $340 million for the public safety and justice criminal investigation and police services, of which $718,000 supports the enforcement of Federal laws on our fishing access sites on the Columbia River. And we support the President's request for $10 million for cooperative land state conservation to assist tribes nationwide in climate change adoption and planning.

A Congressional requirement by Congressman Norm Dicks delivered, through prior appropriation language, visibly more Gulf salmon produced in Federally funded hatcheries, and most of these are U.S. Fish and Wildlife hatcheries, should be reviewed to see if it is consistent with the overall objective of ESAD listing, prevailing laws, agreements, such as U.S. v. Oregon, Pacific Salmon Treaty, and the Columbia River Basin accords.

CRITFC is working hard towards a unified Columbia River hatcheries strategy among tribal, state, and Federal co-managers. Salmon managers should be provided the latitude to make a case by case decision whether to mark salmon, and, if so, at the appropriate percentage. Part of that strategy will rely on the best available science that is supported by adequate and sufficient funds, with the objective of complying with prevailing laws, agreements, and working towards delisting the 12 ESA stocks in the Columbia River basin. And part of those information does talk about the John Tagerman and Johnson Creek, where we have used stocks to rebuild.

And, in summary, the CRITFC and the four tribes have developed the capacity and infrastructure to lead in protecting, restoring, and rebuilding Columbia River Basin population. Our collective efforts is to protect our 1855 treaty reserved fishing rights for the next seven generations through the collaboration and partnerships with the states, Feds, and non-Indian communities. It is showing some success to provide healthy, harvestable salmon populations to all citizens. This is a time for us to be working together, and putting our goals and funds together through a cross-budget approach.

Do you have any questions?

[The statement of N. Kathryn Brigham follows:]

TESTIMONY OF
The Honorable N. Kathryn Brigham, Chairwoman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2014 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
April 24, 2013

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2014 budget. We have specifically identified three funding needs and one request for review:

- **$49.5 Million for Rights Protection Implementation** – of which **$7.7 million** is for ***Columbia River Fisheries Management*** to meet the base program funding needs of the Commission and the fisheries programs of its member tribes, specifically to implement federal court-ordered management obligations, including efforts for species listed under the Endangered Species Act, and **$4.8 million** for the ***U.S./Canada Pacific Salmon Treaty*** to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty, and;
- **$340 million for Public Safety and Justice, Criminal Investigations and Police Services** – of which **$718,000** supports enforcement of federal laws at in-lieu and treaty fishing sites on the Columbia River. This supports the President's Request;
- **$10 million for Cooperative Landscape Conservation** to assist tribes nationwide in climate change adaptation and planning. We support the President's request.

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 Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the U.S. entered into treaties with the four tribes[1] whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

Today, the CRITFC tribes are leaders in fisheries restoration and management working with state, federal and private entities. CRITFC's member tribes are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that

[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

support ceremonial, subsistence and commercial harvests. To achieve these objectives, the tribes' actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management within Rights Protection Implementation

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management issues increase the complexity, requiring greater data collection and more sophisticated analyses. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. We are seeking an increase of $3,054,000 over FY2012 for a new program base of $7,712,000 for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008 CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin[2], 2) a Ten-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty. [3] These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsihilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the John Day and The Dalles dams.

Compounding the challenges in implementing tribal fish management agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaption strategies on behalf of our member tribes.

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[2] The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

[3] *See* Salmon Win A Triple Crown" at http://www.critfc.org/text/wana_109.pdf

CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse public and private forums. Lost purchasing power through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation
For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $4,800,000 for BIA.

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource.

The $4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY2014 recommended level for this program is an increase of $600,000 above the FY2012 enacted level. Our request correlates to the U.S. Section's recommendation.

The tribal management programs provide needed beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984.

Public Safety and Justice, Criminal Investigations and Police Services
Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to PL87-14 and PL100-581 for use by treaty fishers.

CRITFC's officers have obtained BIA Special Law Enforcement Commissions to aid our efforts protecting and serving tribal members and federal trust properties along the Columbia River. We are grateful for the support of the BIA Office of Justice Services in obtaining the SLECs. We are also very pleased that the BIA has created OJS District 8 and housed it in Portland. Beginning in February 2011, CRITFC entered into a PL93-638 contract with BIA for enforcement services along the Columbia River. That contract provides funding for two enforcement positions.

It's important that CRITFC build its enforcement capacity above the level of the two officers currently funded by the BIA Office of Justice Services. Our immediate priority is to add two officers. Funding for two additional officers would cost $313,560 plus indirect. Full funding for this project would be a total budget of $716,053 plus indirect which would support four officers, a sergeant and a dispatcher.

Cooperative Landscape Conservation

The Treaty Right is feeling the effects of Climate Change. Salmon run timing, berry and root ripening cycles are shifting. We support the President's request of $10 million to implement the DOI Climate Change Policy approved on 12/20/2012 for the tribes, Alaskan Natives and Native Hawaiians. Specifically, these funds support the BIA Tribal Climate Change Program which will integrate climate change adaptation strategies into its policies and planning for support for the tribes, Alaska Natives and Native Hawaiians. The BIA needs these resources to support active engagement of tribes, Alaska Natives and Native Hawaiians in the Landscape Conservation Cooperatives and the Climate Science Centers and to ensure adequate government-to-government consultation on all issues with climate effects.

A Request for Review of Salmon Mass-Marking Programs

CRITFC endeavors to secure a unified hatchery strategy among tribal, federal and state co-managers. To that end, we seek to build hatchery programs using the best available science and supported by adequate, efficient budgets. A Congressional requirement, delivered through prior appropriations language, to visibly mark all salmon produced in federally funded hatcheries should be reconsidered. We have requested that federal mass-marking requirements, and correlated funding, be reviewed for compatibility with our overall objective of ESA delisting and with prevailing laws and agreements: *US v Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords[4].

Salmon managers should be provided the latitude to make case-by-case decisions whether to mark fish and, if so, in the appropriate percentages

In summary, through the combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

CRITFC Staff Contact: Charles Hudson, (503) 731-1257, (hudc@critfc.org)

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[4] Letter from Bruce Jim, Chairman, Columbia River Inter-Tribal Fish Commission to U.S. House of Representatives Chairmen Frank Wolf, Mike Simpson and Doc Hastings, July 11, 2011

Mr. CALVERT. Thank you.

Ms. BRIGHAM. Do you want this?

Mr. CALVERT. And then—yes, please, thank you. We will enter that into the record.

Ms. BRIGHAM. Thank you.

Mr. CALVERT. Thank you.

Next, Phil Rigdon, President of the Inter-Tribal Timber Council.

WEDNESDAY, APRIL 24, 2013.

INTER-TRIBAL TIMBER COUNCIL

WITNESS

PHIL RIGDON

Mr. RIGDON. Okay.

Mr. Chairman, members of the subcommittee, good morning. I am Phil Rigdon, Director of Natural Resources for the Yakama Nation. I am president of the Inter-Tribal Timber Council, or the ITC. I am here today to talk about tribal forestry budgets and issues.

Forest management policy has become an increasing interest to a lot of folks these days, so first I want to direct your attention to a comprehensive and independent review of tribal forestry that is just being completed. Federal law, the National Indian Forest Resource Management Act, requires that this report be done every 10 years by an Indian Forest Management Assessment Team, or IFMAT. We believe the IFMAT Three report, which is expected to be finished this June, could offer valuable insight into the management of tribal forests, and other forests as well, and I urge the subcommittee to review the report, and its findings and recommendations, and, if possible, to give them consideration in the fiscal year 2014 interior budget appropriations bill.

I also want to mention the ITC's anchor forest pilot project being undertaken with the help of the Forest Service. An anchor forest is a large forest area that is dedicated to long term sustainable productivity, working across tribal Federal, state, and private boundaries, in a collaborative effort to meet local and regional economic and ecological goals. The pilot project underway in Central Washington State will shed light on landscape level cooperative forest management, and help improve the efficiency and the effectiveness of investments, essentially to address forest health concerns, and sustain badly needed economic infrastructure, and improve delivery of important ecological needs and services.

With regard to wild land file, the ITC asks that Interior Department hazardous fields funding be restored to $206 million, and its fiscal year 2011 amount. The Administration's proposal to cut hazardous fields funding by 50 percent, while increasing the fire suppression budget by 250 percent, is ill advised. This approach simply abandons the wild lands, while expecting millions of dollars to try to protect small wild land urban interface areas.

As the conditions in our forests deteriorate, and impacts of climate change have become more pronounced, intense firestorms will likely consume our forests, causing catastrophic loss of life, property, and untold damage to rural and tribal communities. Limited

investments for reducing threats to wildfire to treatments of small wild land urban interface areas ultimately prove futile.

Also, regarding fire, we ask that the subcommittee remove the tribal and BIA fuels funding from the Interior Department's hazardous fuels priority allocation formula, and setting up a separate tribal BIA fuels category at 25 percent of the past funding, but no less than $50 million. The formula is simply not fair to tribes. We have had little time or opportunity to participate in its development, and have lost faith in its use. We now ask to be separated from application of the formula by restoring historical levels of funding.

For BIA forestry program funding, the ITC urges support for the request of $5.1 million increase, and to further bolster the program with an additional $5 million. By almost any relative measure, tribal forests are much harder working forests than other Federal forests, despite serious and long term underfunding. Our management has been innovative and responsive. But, as recent trust mismanagement lawsuit settlements have shown, the U.S. is failing in its trust responsibility, and must provide more adequate work to tribal forestry.

ITC also supports the $10 million for the BIA cooperative landscape conservation. Indian people live directly on their land, and are very vulnerable to climate change. BIA has 10 percent of the interior land base, and, at last, the BIA funding request reflects that fact. We also ask that these funds be directed to tribally based applications.

We support the $2.7 million for BIA-ESA funding, adding funds for BIA combating invasive species, and for initiatives that involve Native American youth in natural sciences.

Finally, we hope the subcommittee will extend and expand the forest stewardship contracting program.

Mr. Chairman, the ITC greatly appreciates the subcommittee's support of Indian programs, and hopes you can continue doing so in fiscal year 2014. That concludes my remarks. Thank you.

[The statement of Phil Rigdon follows:]

TESTIMONY OF PHILIP RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL, SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2014 APPROPRIATIONS FOR THE B.I.A. AND DoI WILDLAND FIRE MANAGEMENT, APRIL 24, 2013

Summary

Mr. Chairman, I am Phil Rigdon, President of the Intertribal Timber Council (ITC) and Deputy Director of Natural Resources for the Yakama Nation. The ITC offers the following recommendations for FY 2014 Indian forestry-related activities in the Bureau of Indian Affairs (BIA) and Department of Interior (DoI) Office of Wildland Fire:

1) Review the upcoming IFMAT III report, the Congressionally required independent review of Indian trust forests and forestry, and consider its recommendations in FY 2014;
2) Support the ITC's "*Anchor Forest*" initiative;
3) For DoI Wildland Fire management: A) Restore hazard fuels funding to $206 million, and B) Remove BIA/tribal projects from the DoI HFPAS funding formula and set an annual minimum BIA/tribal allocation at 25% of the DoI hazard fuel allocation but no less than $50 million;
4) In BIA TPA Forestry, support the Administration's $5.1 million increase, and further the increase by $5 million to begin moving BIA Forestry toward parity with similar federal forestry budgets;
5) For BIA Cooperative Landscape Conservation, support the Administration's $10 million request and direct that those funds serve tribally-based activities;
6) For BIA ESA, support the Administration's proposed $2.7 million budget;
7) Within BIA Agriculture and Range, support increased funding to combat invasive species, and support the $2.4 million proposed among various BIA programs to engage youth in the natural sciences; and
8) Make permanent authority for Stewardship Contracting.

Intertribal Timber Council background.

The ITC is a 37 year old association of some 60 forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of BIA trust timberland and woodland. These forests cover about one third of the Indian trust land base and provide thousands of jobs and many millions of dollars in economic activity in and around Indian Country. Beyond their economic importance, forests also store and filter the water and purify the air to sustain life itself. They sustain habitats for the fish and wildlife, produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression. In short, our forests are vital to our economies, cultures and spiritual well being.

1) Review the upcoming IFMAT III report, the Congressionally required independent review of Indian trust forests and forestry, and consider its recommendations in FY 2014.

Section 312 of P.L. 101-630 provides for the conduct of an independent assessment of Indian forest lands and forestry practices every ten years. In 1993, 2003, and now in 2013, ITC facilitated the assembly of a blue-ribbon team of forestry experts, referred to as the Indian Forest Management Assessment Team (IFMAT), to independently evaluate the status of tribal forests and forestry. The 3013 IFMAT report, due out this June, will examine eight areas required by statute and will be delivered to the Interior Secretary and the U.S. Congress with Findings and Recommendations. To our knowledge, the IFMAT report is only required independent periodic review of any federal forest lands and will provide valuable insight into both tribal and other forests. We urge the Subcommittee to review the IFMAT III report after its June release and to include its Findings and Recommendations in your continuing deliberations on the FY 2014 Interior Appropriations bill.

2) Support the ITC's "*Anchor Forest*" initiative.

Early in FY 2013, the ITC, with the assistance and collaboration of the U.S. Forest Service, initiated an *Anchor Forest Pilot Project* in Washington State to maintain working forests on the landscape and support critical ecological functions for water, fish, and wildlife. *Anchor Forests* are intended to foster collaboration and cooperation across forest ownership boundaries and among diverse interests, including tribes, federal agencies, states, and private parties. An *Anchor Forest* is a large, contiguous area of land with four principal characteristics: 1) a reasonable expectation for sustainable wood commodity production as a major management objective; 2) production levels sufficient to support economically viable manufacturing, processing, and work force infrastructure within accessible transportation; 3) long-term management plans, supported by inventory systems, professional staff, and geographic information systems; and 4) institutional and operational capacity for implementation. We believe that tribal forests and forest products facilities can provide a key role in establishing and maintaining healthy and productive *Anchor Forests*.

The *Anchor Forest Pilot Project* in Washington State is expected to be completed in late 2014. We want to express our appreciation for the Forest Service's on-going participation and assistance. *Anchor Forests* provide a means to prioritize investments in economic and ecological systems. We urge this Subcommittee to support landscape scale initiatives such as *Anchor Forests* as an efficient, effective means to reduce threats of wildfire, insects, and disease and restore the productivity and safety of rural forest-dependent communities across the country.

3) For DoI Wildland Fire management: A) Restore DoI hazard fuels funding to $206 million, and B) Remove BIA/tribal projects from the DoI HFPAS funding formula and set an annual minimum BIA/tribal allocation at 25% of the DoI hazard fuel allocation but no less than $50 million.

The current budget proposal is directly contrary to the goals in the federally sponsored National Cohesive Wildland Fire Management Strategy: Phase II report, namely to "Restore and Maintain Landscapes". The current budget proposes funding

runaway suppression costs at the expense of proactive and effective fuel treatments. Not only is reducing fuel funding likely to ultimately increase suppression costs, it is contrary to the goal of reducing potential wildfire and restoring and maintaining landscapes. Furthermore, the DOI process of allocating these funds is severely flawed and discriminates against tribes. During 2012, the ITC and our member Tribes identified systemic problems with the DoI HFPAS model which seriously biased hazard fuels funding against tribal projects and increased threats to tribal forests and communities. The untested HFPAS allocation model was used to allocate hazard fuel funds despite tribal objections and concerns provided to DoI well before funds were allocated. This process was implemented in violation of the DoI Tribal Consultation Policy. Now, after the funds have been diverted, Tribes are just now beginning to be consulted on the HFPAS process. We ask this Subcommittee to direct the DoI to recognize its duty to protect trust resources and provide stability and equity to a critical component of tribal resource management strategies.

4) In BIA TPA Forestry, support the Administration's $5.1 million increase, and further the increase by $5 million to begin moving BIA Forestry toward parity with similar federal forestry budgets.

The ITC urges this Subcommittee to adopt the $5.1 million FY 2014 increase requested for BIA Forestry, and to further add an additional $5 million to begin moving BIA Forestry toward parity with other federal forestry budgets. The independent 1993 and 2003 IFMAT reports documented that the BIA Forestry per-acre management funding is far less than half that provided for National Forests and state and private forests, and we believe the 2013 IFMAT report will update and corroborate those findings. IFMAT I and II reports also document that Indian forestry is the most productive and innovative on federal lands. Tribes tend to keep their saw mills open and their forest products workforce engaged. Yet the long-documented underfunding has taken a toll, as demonstrated in the many recent tribal trust fund and resource mismanagement lawsuit settlements. Supporting the proposed $5.1 million BIA Forestry increase and supplementing that with an additional $5 million will start to shore-up the eroded federal trust responsibility, make a needed investment in the single most productive federal timber program, and provide jobs and countless social and economic benefits for tribal communities.

5) For BIA Cooperative Landscape Conservation, support the Administration's $10 million request and direct that those funds serve tribally-based activities.

The ITC supports the FY 2014 requested increase in BIA Cooperative Landscape Conservation (CLC) to $10 million. As the principal trustee delegate of the United States, the BIA has responsibility to care for 10% of the Interior Department's total 500 million acres. The dependence upon land and resources makes Indian peoples among the most vulnerable to climate change. Yet there has been little or no funding for substantive tribal participation in Interior's previous CLC initiatives. Interior's FY 2014 CLC proposal for BIA finally begins to correct that gross disparity. In supporting the $10 million, we also urge the Subcommittee to assure that all or at least most of that funding be directed to tribal projects on the ground.

6) For BIA ESA, support the Administration's proposed $2.7 million budget.

The ITC asks that the Subcommittee support the $2.7 million requested for BIA ESA funding. On a dollar-per-acre basis, BIA ESA funding has long been far below any other Interior land management agency. Tribal governments and individual tribal members depend on their lands and resources for income, jobs and subsistence. Adequate funding to evaluate proposed activities for ESA-related impacts is needed to fulfill federal trust obligations and enable Indian peoples to benefit from their resources.

7) Within BIA Natural Resources, support increased funding to combat invasive species and engagement of youth in natural sciences.

Although specifics for the proposed FY 14 Administration increase for these programs are not available as of this writing, the ITC supports efforts to reduce adverse impacts of invasive species and the $2.5 million requested to support the involvement of native youth in natural sciences.

8) Significantly extend or make permanent authority for Stewardship Contracting.

ITC asks that the Committee significantly extend or make permanent the Stewardship Contracting authority first established in the 1999 Interior Appropriations Act (16 USC 2104 note, Public Law 105-277) (as amended by section 323 of the FY 2003 Interior Appropriations Act (117 Stat. 275)) and originally due to expire at the end of 2013. Stewardship contracting authority is often essential for tribes, local communities, and others to perform needed forest management activities on USFS or BLM land. For tribes in particular, stewardship contracts can be key in carrying out protective forest health activities on adjacent USFS or BLM land under the Tribal Forest Protection Act (PL 108-278).

Mr. Chairman, we appreciate the leadership provided by you and this Subcommittee in understanding and protecting the BIA and IHS budgets. Across the great breadth of the federal budget, Indian Affairs funding is only a very minor fraction, but the United States has a long and well established duty to honor its special relationships to tribes and its fiduciary trust obligations to care for our land and resources. We thank you for your commitment to these historic and enduring responsibilities.

For FY 2014, the Administration's proposed BIA budget reflects recognition of and support for long-needed improvement in management of our trust resources. Investments in improving the health and productivity of our natural resources will have far-reaching economic and cultural benefits for tribal communities.

We believe it is vitally important for Indian Tribes to be substantively engaged as full partners in the dialogue as to how to address fiscal challenges in light of federal trust responsibilities. Our experience with HFPAS and BIA streamlining efforts has been far from satisfactory. We ask this Subcommittee to direct the DoI to recognize its duty to protect trust resources and provide stability and equity to a critical component of tribal resource management strategies.

Mr. Chairman, that concludes my testimony. Thank you.

Mr. CALVERT. Thank you.

And next, Mr. Allen, you are recognized twice, both for Jamestown——

Mr. ALLEN. S'Klallam.

Mr. CALVERT [continuing]. S'Klallam—okay.

Mr. ALLEN. It is a tongue twister.

Mr. CALVERT. All right. And the Pacific Salmon Commission. I got that one.

WEDNESDAY, APRIL 24, 2013.

JAMESTOWN S'KLALLAM TRIBE

WITNESS

W. RON ALLEN

Mr. ALLEN. Well, thank you, Mr. Chairman, and Congressman Butler. Thank you for the honor and the opportunity to come and testify. I think my job is going to be fairly easy this morning, because a lot of my colleagues have testified before you this morning, and you will hear this afternoon and tomorrow a very consistent message.

Without a doubt, my tribe, speaking on behalf of my tribe, the Jamestown S'Klallam Tribe, is very supportive of the work of the national organizations, the National Congress of American Indians, the National Indian Health Board. We are all testifying and providing you evidence about the importance of Indian country. We work very hard putting together documents that capture the importance of all these different programs that serve our Indian communities, and justification of why. We are reflecting on the President's commitment, you know, and in his statement he is standing with Indian country, and we are here basically calling for the Congress and the administration to honor his promises to Indian country. So our testimony is submitted to you, and we appreciate you putting it in the record. That probably articulates more specifically some of the issues.

But just to share with you, from a tribal perspective, you know, you heard about CSC, and the importance of CSC, and honoring contracts, and you are going to hear the importance of many programs that are within the Department of Interior, BIA, and over in IHS. I want to specifically highlight three areas I think are really important on the BIA side. The HEAR Program, the administration is proposing to zero out the HEAR Program. I can tell you unequivocally the notion that we have been chasing now for many, many years, that HUD provides the resources that HEAR provides, that is simply not true. HEAR provides services for emergency care, housing assistance, and for those do not qualify for HUD programs. And so, even though it is not a lot of money, it is very, very important to our communities, and from Alaska to Florida, it is critical.

Another area that I want to highlight is economic development, the loan guarantee program. Bottom line is this Congress, and this administration, wants our society, and our economy, to become stronger. Well, how are we going to become stronger if we cannot

get investment in our communities with regard to our tribal businesses, or even our individual businesses? And those loan guarantee programs help us access those resources, and create that kind of investment in our communities.

The tax exempt bond agenda that was authorized under AURA, you know, that kind of legislation provides opportunities for those who can leverage tax exempt bonds, which is very challenging for those kind of levels of resources. So they cover two different areas, smaller loans versus much larger loans, to get investment in our communities to create jobs in our respective communities. So, if we are going to enhance our economy, you have to enhance the economy everywhere, and most often Indian countries and rural communities, so economic development is very important.

An area we have been urging the administration to advance is also surety bonding guarantee programs. Surety bonding is a very difficult arena for tribes to get surety bonding, because they want no risk. And so there is no program out there that works for us. SBA has a small program, but it is a small program. You know, it goes up to three, maybe $five million, but, quite frankly, if a tribe is going after anything bigger than that, then it is very challenging for the tribes to move that agenda.

The next issue, quickly, is natural resources, and rights protection money, and some of the other categories that provide resources for natural resources. It is critically important to us in the Northwest, and not only in the Northwest, Great Lakes, and other areas where natural resources is so important to us. And it is in those categories where you are going to see the resources. And our concern if you aggregate them, and our concern in aggregating these kinds of resources for natural resource management is, does the sum—is less than the parts? You know, in terms of aggregating, and that becomes a great concern to us, in terms of how we continue to manage that agenda.

[The statement of W. Ron Allen follows:]

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HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
"2014 APPROPRIATIONS TESTIMONY FOR BIA AND IHS"
Wednesday, April 24, 2013
Written Testimony of
THE HONORABLE W. RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE

On behalf of the Jamestown S'Klallam Tribe, we are pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2014 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. We urge Congress to work together to achieve a balanced approach to the deficit reduction that includes the raising of new revenue sources and that doesn't rely solely on cuts to discretionary spending.

The federal approach to deficit reduction has been significantly unbalanced with non-defense federal programs shouldering the fiscal burden of these budget cuts. Discretionary programs have already experienced $1.5 trillion in spending cuts as a result of reductions in the Fiscal Year 2011 Continuing Resolution, the Budget Control Act and the American Taxpayer Relief Act. Tribes are funded out of the non-defense discretionary budget and have experienced significant hardship with the imposed budget reductions for Tribal programs. Additional budgetary restrictions would devastate our Tribal economies impacting not only our Tribal citizens but also the surrounding non-Native communities whom we employ and provide with much needed services, such as, public safety, education, health and dental care.

Tribal Specific Appropriation Priorities

1. Restore and Increase Housing Improvement Program (HIP) Funding

Local/Regional Requests and Recommendations

The Jamestown S'Klallam Tribe is a direct beneficiary of the collective Tribal efforts and continues to support the requests and recommendations of the **Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board**, and the **Northwest Indian Fisheries Commission**.

National Requests and Recommendations

BIA Requests:

1. Hold Indian Country Programs Harmless (Deficit Reductions / Sequestration)
2. Fully Fund Contact Support Costs $242 million for the BIA
3. Economic Development /Indian Loan Guarantee Program $15 million
4. Increase Funding for Tribal Priority Allocations

IHS Requests:

1. Fully Fund Contract Support Costs $617 million for the IHS
2. Fully Fund the Implementation of ACA Inclusive of the IHCIA
3. Increase funding for Contract Health Service $171.1 million

Hold Indian Country Programs Harmless (Deficit Reductions / Sequestration)

Decades of unfulfilled federal obligations has devastated Tribal communities who continue to face persistent shortfalls and overwhelming unmet needs. The additional reductions under sequestration will devastate our communities and severely inhibit our ability to provide essential governmental services to our Tribal citizens. In addition, the budgetary reductions will stifle our economic growth and our ability to promote and achieve Tribal self-sufficiency. Until Tribes attain exclusive taxing jurisdiction within their Tribal lands, federal support remains critical to ensure the delivery of essential governmental services to our Tribal citizens. The federal trust obligation must be honored and vital programs and services for Tribes must be sustained in any deal enacted to reduce the national deficit.

Bureau of Indian Affairs

Since 2004, the BIA has received the smallest percentage increase in funding compared to the other agencies within the Department of Interior. Tribal programs make up a miniscule portion of the overall federal budget. For example, the Bureau of Indian Affairs accounts for a mere 0.07% of federal spending. During the last two budget cycles, the trend of favoring other Interior agencies over the Bureau of Indian Affairs has continued. In addition to receiving the least amount of incremental funding increases, the Bureau has absorbed the greatest funding reductions compared to the other agencies within Interior.

Congressional support of our proposed funding initiatives will promote efficiency and accountability, strengthen reservation and surrounding local economies, and affirm Tribal sovereignty and Self-Governance. We have long appreciated this Subcommittee's support of our funding requests and are pleased to submit the following recommendations and requests:

Fully Fund Contract Support Costs (CSC) $242 million for the Bureau of Indian Affairs and $617 million for the Indian Health Service

The US Supreme Court recently affirmed that Tribes carrying out federal programs under the Indian Self Determination and Education Assistance Act (ISDEAA) are entitled to full payment of their contract support costs. Tribes are entitled to be paid what the statute and contract promised and to be treated on an equal basis with every other federal contractor. Despite the Supreme Court decision, the Bureau of Indian Affairs and Indian Health Service have refused to negotiate in good faith with the Tribes to reach a final resolution of this issue which has been ongoing for the past twenty years. To further exasperate the situation, the President's FY2014 Budget Request will fundamentally alter the nature of Tribal Self-Governance by imposing individual statutory caps on the payment of Tribal contract support costs. The Jamestown S'Klallam Tribe opposes the Administration's unilateral proposal, in its FY 2014 budget request.

Contract support cost funding is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and tribal leaders, informed by a joint technical working group and coordinated through NCAI. Such a consultation process must be scheduled to permit opportunity for full tribal participation. While we firmly believe that overall statutory caps on contract support costs

should be eliminated, at the very least Congress should maintain in FY 2014 and FY 2015 the status quo statutory language enacted in FY 2013 so that tribally-developed changes in contract support cost funding mechanisms, if any, can be included in the FY 2016 Budget.

Economic Development/Indian Loan Guarantee Program $15 million

Economic Development in Indian Country trails significantly behind the rest of the nation and the acute economic conditions experienced by our Tribal citizens are even more pronounced than those of the current economic crisis. Tribal citizens are more vulnerable to the impacts of the current economic conditions because Tribal governmental revenues depend entirely on effective economic development to support nearly every aspect of reservation life and Tribal governance. However, chronic underfunding by the U.S. Government and the severe lack of private investment has left the economic potential of Indian Country unrealized. Tribes are forced to rely on our own economic ventures to generate revenue to support citizen programs and maintain government services for our people. Yet, Tribes are expected to meet these economic challenges with fewer resources and greater restrictions placed on vital economic financing tools and incentives. It stands to reason that Tribes should be given all of the tools and incentives available to other governments to raise and attract capital. When given the right tools to exercise our inherent right of self-government, Tribes can effectively lift our communities out of poverty and fully participate in the American economy. It is not just our Tribal citizens who benefit from federal investment in our communities, surrounding communities, and at times, entire regions, are also beneficiaries of Tribal success.

Guaranteed Financing is needed for Tribal economic development projects. The Bureau of Indian Affairs (BIA) loan guarantee program is vital to Tribes because it creates jobs, provides new sources of revenue to Tribal communities, and critical support in advancing economic development in Indian Country. This program provides attractive incentives and assurances for banks to expand and underwrite loans in Indian country, assisting Tribes in accessing capital and encouraging lending to Indian owned businesses. Loan guarantee are also an attractive financial measure because they result in the leveraging of federal dollars. Federal program funding and guarantees are critically important to Tribes seeking to develop a strong economic foundation. If not for the BIA Loan Guarantee Program, many Tribes would not, in most cases, be able to secure loans from the standard sources available to other entities and businesses. We urge you to restore and increase funding for this program, a very important tool for raising the level of Tribal self-sufficiency.

Tribal Priority Allocations Increase Funding

Tribal priority allocations fund essential core governmental services. We use these dollars to provide the most basic needs for our Tribal citizens: food, clothing and shelter and to provide critical services, including, law enforcement, education, transportation, natural resources and economic development. Since 1996, Tribal government core services are operating with over a 30% reduction in base funds. We urge you to adequately fund TPA to enhance the health and well-being of our communities.

Restore Housing Improvement Program (HIP) funding - This program serves the neediest population, or, those at 125% of the federal income poverty guideline. The President's

FY2014 budget request zeroed out this program based on the false presumption that it is duplicative of existing HUD programs. This assumption is wrong and we urge you to restore funding for this program that provides an essential service, safe and sanitary housing, to our Tribal citizens.

Indian Health Service

Given the unique mission of the IHS as a direct health care provider fulfilling a federal trust responsibility, fully funding and implementing the ACA and IHCIA will elevate the health status and decrease the health disparities experienced by American Indians and Alaska Natives. Federal spending for the Indian Health Service amounts to 0.12%, a very small percentage of the federal budget.

Contract Health Service - Provide a $171.7 million Increase for CHS. Most IHS and Tribal operated direct care facilities do not provide the required emergency and specialty care services so Tribes are forced to turn to the private sector to fulfill this need. CHS 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.

Fully Fund the Implementation of ACA Inclusive of the IHCIA

The permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) within the ACA is the most significant advancement in Federal health policy for Tribes in decades. The purpose of the IHCIA is to promote health care parity for Indian Tribes by addressing deficiencies in health status and resources within the Indian health system. Funding for the IHCIA is a top budget priority. Although the IHCIA provides the authority and, with it, the opportunity to provide essential health care to Tribal citizens, it did not provide the necessary funds to the IHS to carry out these new statutory obligations.

There are twenty three unfunded provisions in the Indian Health Care Improvement Act (IHCIA). Many of the provisions that remain unfunded would strengthen the Tribal health care workforce, provide greater access to behavioral health and support innovative initiatives for healthcare delivery to Tribal citizens. Funding these provisions is a necessary precursor to increase Tribal capacity, infrastructure and most importantly access to health care services. Significant federal investment is needed to achieve a fully funded Indian Health Service and now is the time to act on opportunities made possible in the newly expanded authorities granted under the Indian Health Care Improvement Act.

Conclusion

On behalf of the Jamestown S'Klallam Tribe, I respectfully request that these recommendations be included in the FY 2014 federal budget in order to honor the trust responsibility and support tribal economic security and prosperity.

WEDNESDAY, APRIL 24, 2013.

PACIFIC SALMON COMMISSION

WITNESS

W. RON ALLEN

Mr. ALLEN. So I am going to shift from that agenda, because I do not need to repeat many things that you are going to be hearing throughout these hearings, and shift to my capacity as a tribal leader, and representative of the 24 Northwest tribes that are represented in the International Commission, and that is the second testimony.

In the U.S.-Canada Treaty, we manage salmon, which is a precious resource for us in the Northwest. Our cultures, our communities, are critical. It is reflective of our treaties with the United States government, and that relationship. So when you create this international treaty, our treaties get rolled into it, and then we, as tribal leaders, participate in that forum in order to make sure that we are protecting the opportunity for the return of those salmon, the five species that we manage, from the upper reaches of Alaska all the way into the upper reaches of the Columbia River, into Idaho. That is a big deal, it is very complicated, and the resources for that treaty come through a number of different sources. They come through the State Department, in terms of the international obligation. They come through the Commerce Department, in terms of the relationship with the State, and their responsibility, and it comes through Interior, for the tribe's responsibility.

So that is where we get our resources, in order to manage our resources, and make sure that we are protecting our interests in those forums. So if we are managing that stock, and HOOG intercepts that stock from Alaska, to British Columbia, and all the way down, until it gets up into the upper reaches of our various river tributary systems. That is an important agenda for us. It is complicated. Every one of those species has complications, and we have to have our participants in those various forums, from the top level, the commission, all the way into all the different technical forums, where we make sure that our rights and our interests are being protected to the benefit of our people.

Salmon is an important agenda for the whole Northwest, Indian and non-Indian alike, and we are a big part of that process being a success, and so we urge that you continue to support the resources. Kathryn has noted that we were targeting 4.8 million for the tribes that are shared by the 24 treaty tribes in the Northwest.

So, with that, I will close, and say thank you. We always appreciate your care. Your staff has been very great to work with, and we need to continue to, you know, try to find that balance between the challenge of the budget and the responsibilities to the Indian communities, in terms of becoming self-reliant. Thank you, sir.

[The statement of W. Ron Allen follows:]

U.S. Commissioners
David Bedford
Phil Anderson
W. Ron Allen
Larry Rutter

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TESTIMONY OF W.RON ALLEN, TRIBAL CHAIRMAN/CEO
JAMESTOWN S'KLALLAM TRIBE
U.S. COMMISSIONER, PACIFIC SALMON COMMISSION
U.S. SECTION OF THE PACIFIC SALMON COMMISSION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
On the FY 2014 Budgets for the
Bureau of Indian Affairs and the U.S. Fish and Wildlife Service

April 24, 2013

Mr. Chairman, and Honorable Members of the Committee, I am W. Ron Allen, Chairman of the U.S. Section's Budget Committee on the Pacific Salmon Commission (PSC). The U.S. Section prepares an annual budget for implementation of the Treaty. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Under the Bureau of Indian Affairs budget, the U.S. Section recommends that Congress:

> Fund the tribes' program at a restored funding level of $4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of $681,000 over FY 2012 enacted level. This funding level represents status quo funding plus adjustments to meet increased obligations under the 2009-2018 Pacific Salmon Treaty Agreement. The funding for tribal participation in the U.S./Canada Salmon Treaty is a line item in the BIA's budget under the Rights Protection Implementation, Wildlife and Parks, Other Recurring Programs Area.

Under U.S. Fish and Wildlife Service programs, the U.S. Section recommends that Congress:

> Provide base funding of $417,000 for USFWS participation in the Treaty process, and provide funding of $315,000 for the Pacific States Marine Fisheries Commission's Regional Mark Center. This funding level represents an increase of $75,000 for the Mark Center to make up for losses from other programs and allow the Mark Center to maintain the same level of service to the US Section.

This base funding for the U.S. Fish and Wildlife Service will pay for the critically important on-going work. The funding for Pacific States Marine Fisheries Commission's Regional Mark Center is utilized to meet Treaty requirements concerning data exchange

with Canada. These program recommendations are integrated with those of the state and federal agencies to avoid duplication of effort and provide for the most efficient expenditure of scarce funds.

A copy of the integrated U.S. Section Budget Justification has been made available to the Committee. The budget summary justifies the funding we are recommending today. All of the funds are needed for critical data collection and research activities directly related to the implementation of the Treaty and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries in Canada. The monetary commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. Section of the Pacific Salmon Commission is recommending an adjustment to the funding for the work carried out by the twenty-four treaty tribes' that participate in the implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the states and federal agencies. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities due to funding issues with state agencies. All participating agencies need to be adequately funded to achieve a comprehensive US effort to implement the Treaty.

We are strongly recommending maintaining base funding of $417,000 for the U.S. Fish and Wildlife Service so the U.S. can maintain the critical database to implement the Treaty. We also strongly recommend funding of $315,000 to allow continuation of work carried out by the Regional Mark Processing Center. This work, maintaining and updating a coastwide computerized information management system for salmon harvest and catch effort data as required by the Treaty, has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The database will continue to be housed at the Pacific States Marine Fisheries Commission. The U.S. Fish and Wildlife Service will contract with the PSFMC to provide this service.

Mr. Chairman, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After more than twenty years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver Bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-tribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off of the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to

ensure cooperative management of salmon populations. In 2008, the U.S. and Canada successfully concluded lengthy negotiations to improve this management, including the adjustments to the coastwide abundance-based management regime for Chinook salmon and a framework for abundance based management for southern Coho populations. The agreement is intended to last through 2018. The Fraser River sockeye and pink chapter to the Pacific Salmon Treaty expired in 2010 and negotiators worked out an interim arrangement while Canada's Cohen Commission completes its judicial inquiry on the Fraser River sockeye fishery. A new chapter is expected to be adopted in May.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the states, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The 2008 Chinook agreement continues these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the twenty-four treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section, through the Office of the U.S. Section Coordinator to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

SUMMARY OF TRIBAL and FISH AND WILDLIFE SERVICE PROGRAMS UNDER THE U.S. - CANADA PACIFIC SALMON TREATY

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs, Wildlife and Parks, Rights Implementation

	FY12 Enacted Appropriation	FY14 Recommendation	Increase
BIA	$4,119,000	$4,800,000	$681,000

U.S. Fish and Wildlife Service, Anadromous Fisheries

	FY12 Enacted Appropriation	FY14 Recommendation	Increase
USFWS	$ 657,000	$ 732,000	$75,000

Mr. CALVERT. Well, you are right that we are getting a consistent message here, so I think we are going to be taking that well into account.

Any questions?

Ms. HERRERA BEUTLER. I had a couple questions, couple thoughts, and maybe just get some clarification. And I know I have talked with some of you before, or you have also been in contact with my staff. I grew up along the Columbia River in Clark County, probably like your kids did, and protecting our resources is very important to me, especially our wild salmon runs. That is one of the things about our area that is unique. People come from all over to experience what we have.

I was reading in your bio you did not necessarily start fishing until you got married. I remember fishing from a very, very early age, whether I liked it or not. Oftentimes it is really early, and really cold and rainy, so I did not always like it, but I have come to treasure those experiences that are so unique to the Northwest. I mean, hands down.

I wanted to ask a little bit about your thoughts on tagging, especially hatchery salmon. You brought it up. You talked about what Norm has done, and I wanted you to expand upon that a little bit, because partially, what I have understood, we are having record returns on our runs, but not necessarily record returns on our wild runs.

Ms. BRIGHAM. That is correct.

Ms. HERRERA BEUTLER. Everybody is interested in this. Whether you are tribal, whether you are a sports fisherman, whether you are a commercial fisherman, whether you are like me, you throw a line out, you never catch anything, you are interested in protecting those wild runs. And, tribal or non-tribal, we spend a lot of money in the Northwest doing what we can to mitigate. And I support our hydro system. I think it is one of those things we have to mitigate, to the best of our ability, but I do not support tearing out the dam. For me, I thought tagging some of the hatchery fish, so we are able to more accurately track our wild runs, seems like a good idea, but I seem to hear a little concern.

Ms. BRIGHAM. There are two different types of tagging sources. One is the coded wire tagging, which is very instrumental in the Pacific Salmon Treaty management, so we can, as Ron was saying, tell where our stocks are in the ocean fisheries. There is another one where you just remove the alphas——

Ms. HERRERA BEUTLER. Clip the fin?

Ms. BRIGHAM. Clip the fin, that says, this is a hatchery fish, and this is a wild fish. And, quite frankly, this is the only way they can tell when you look at a fish. And before our stocks were 20 percent hatchery and 80 percent wild. Now it is vice——

Ms. HERRERA BEUTLER. It is flipped?

Ms. BRIGHAM [continuing]. Versa.

Ms. HERRERA BEUTLER. Yeah.

Ms. BRIGHAM. It is flipped. And so we are having, like, fish come up to the Snake River, to the Grand Ronde, to a number of tributaries. And, because they are marked, they are being pulled out of the system, whereas if they were not marked——

Ms. HERRERA BEUTLER. These were hatchery?

Ms. BRIGHAM. Yeah, these are hatchery fish, and they are being pulled out of the system, whereas, if they were not marked, they would be allowed to go up and spawn naturally. And the Johnson Creek information shows that hatcheries can be used to rebuild naturally spawning fish. And so we think it is really important to go back and review that appropriation language to see if it is meeting the needs, because right now we have put a cap on spring Chinook whereas, if the non-Indians were out there catching, using this selective gear to harvest fish, they cannot go over 50 percent simply because they cut out fishes, because we are managing for the harvest rates.

And so we are going to probably push to do the same thing on the fall Chinook, because, again, they are trying to do the same thing. And so if we would all——

Ms. HERRERA BEUTLER. They are trying to do the——

Ms. BRIGHAM. Do the selective——

Ms. HERRERA BEUTLER. Yeah.

Ms. BRIGHAM [continuing]. Fishing on the fall Chinook——

Ms. HERRERA BEUTLER. Well, my——

Ms. BRIGHAM [continuing]. The increased——

Ms. HERRERA BEUTLER [continuing]. Thought is, is not that where we are going, period, in terms of selective?

Ms. BRIGHAM. Yeah. And we do not want to be that way, because, quite frankly, the ones who harvest through selective fisheries are mostly non-Indians and if we put the fish right here in front of a hatchery, we are forgetting about the tributaries that are up here, and this is where our usual and customaries are. This is where our treaty rights are. This is where part of our culture, our history, and our life is. It is not in front of a hatchery.

Ms. HERRERA BEUTLER. So you are not so concerned about—I mean, what I heard you say was the hatchery fish, you believe, can be used to rebuild the wild run. So you are not so concerned with the—forgive me if I am not using it correctly—the purity of the stock?

Ms. BRIGHAM. They can be managed in a way as—like I said, it took 13 years for Nez Perce to prove this, through the Hagerman study, but they can be managed in a way to rebuild naturally spawning fish, whereas if you just used hatchery fish to be harvested, that can be done too. But that is why I said working toward de-listing of the ESA stocks. We have got 12 stocks in the Columbia River that are listed, and we would like to de-list them so that we can have a fishery that is based upon abundance, versus upon ESA harvest rates. Can I ask one more question, Mr. Chairman, from a different witness?

Mr. CALVERT. Okay. One more question.

Ms. HERRERA BEUTLER. Okay. I will make it very quick. Timber. I briefly would love to hear your thoughts on part of our challenge—I do not know if you guys have Gifford Pinchot. What is the Federal forest that heads up against——

Mr. RIGDON. With the Yakama Nation——

Ms. HERRERA BEUTLER. Is it Gifford?

Mr. RIGDON [continuing]. Gifford Pinchot, and Okanagan National.

Ms. HERRERA BEUTLER. Really?

Mr. RIGDON. So it is——

Ms. HERRERA BEUTLER. Holy cow. Okay. So one of the challenges I have seen with the way we are, I would say not managing our Federal forests, because you alluded to fire. I think climate change can be a part of this. But one of the things I am fiercely fighting is that, well, we have climate change, so our forests are in disrepair. Part of the reason our forests are in disrepair, I believe, is because we are not managing to an ecosystem approach, we are managing to a single species.

And what we see on Gifford Pinchot are more trees die than get harvested out, there is no early seral species, because it is all canopy. There are no holes in the canopy for the light, so we have elk herds and deer herds that are dying. We have over 40 species of bird that cannot eat the varmints, because there are no varmints, because there is no early seral—so on and so forth. And I wanted your thoughts about managing to a single species, like the spotted owl, or looking at the spotted owl in context of all the species in the forest, including the rural communities, who are also dying at this point.

Mr. RIGDON. I think it is an important part, and, first of all, part of our teachings and our way of life is balancing between, you know, I am part of the CRITFC tribes, and what Kat says is important to us. But I think one of the elements is you come to understand that our forests have always been changing, and our people, our ancestors, helped shape that land for the purposes of—using fire as a tool for huckleberry fields, or to clear areas, and those type of things. So when people have this idea, especially on the East side, and interior West of what a forest looks like, it is different than what it naturally is. We have moved away from those things. And I think the tribes have taken a real proactive approach onto really addressing that. Our economy in the Yakama Nation is really based upon, you know, doing forest management. But it is not going out on a commercialized basis of claiming all the trees.

Ms. HERRERA BEUTLER. I do not think anybody is talking about commercial harvesting

Mr. RIGDON. It is thinning——

Ms. HERRERA BEUTLER [continuing]. From a forest.

Mr. RIGDON [continuing]. From below.

Mr. RIGDON. It is using and making the processes work so that it functions—it is restoring the watersheds, and making sure that your roads function in a way that you do not hurt fish or other species. It is putting the priorities of the things that are significant to our culture and our way of life. But the economy, and having the infrastructure to be able to do this is a vital part. It supports, you know, over 250 people that work in our mill, another facility that we support, you know, and are able to, you know, get 60 to 150 million board feet a year. One of the things is that you see the adjacent forest, and you see, on Gifford Pinchot this last year, those fires happened—those, actually, were very close to coming on to the reservation. The Warm Springs earlier talked about fires that burned up to their reservation.

Ms. HERRERA BEUTLER. I remember.

Mr. RIGDON. Part of the Tribal Forest Protection Act is looking at—and tribes have not engaged into this conversation because of

the cumbersomeness of the relationship that you have to—do you have the time to go out and do this, or do you just stick to what you have, and do that? We ourselves are trying to work with Okanagan National, work with Gifford Pinchot on doing forest activities, but it is a struggle, and it is a challenge.

And so, back to the question, multi-species is the approach. Sometimes we get too focused. The Northwest Forest Plan is aimed at protecting spotted owls, instead of the conversation of what is the diversity across the landscape that is necessary to support the——

Ms. HERRERA BEUTLER. The ecosystem.

Mr. RIGDON. Yes, exactly.

Ms. HERRERA BEUTLER. Yeah. Thank you.

Mr. CALVERT. I thank the gentlelady, and I thank this panel, and good luck on de-listing the species. It is a lot easier to list them than it is to de-list them. But we will help as much as we can. Thank you.

Ms. BRIGHAM. Okay. Thank you.

Mr. CALVERT. The next panel is Fawn Sharp, President of the Quinault Indian Nation.

David Bean, Councilman of the Puyallup Tribe of Washington.

Joseph Pavel, Vice Chairman, this is a test for me, Skokomish Tribal Nation.

Timothy Ballew II, Chairman of the Lummi Indian Business Council.

And Edward Johnston, Treasurer of the Northwest Indian Fisheries Commission.

And so everybody is sitting down. We will start with Fawn Sharp. You are recognized.

WEDNESDAY, APRIL 24, 2013.

QUINAULT INDIAN NATION

WITNESS

FAWN SHARP

Ms. SHARP. Thank you. Good morning, Mr. Chairman, members of the subcommittee. It is truly an honor and privilege for the Quinault Nation to be invited to testify and provide our perspective on the upcoming budget cycle. The Quinault Nation has outlined a number of issues and priorities. We have provided our written testimony. I also want to support the local and national inter-tribal groups in areas. We certainly support the work of the Northwest Portland Area Indian Health Board, the Northwest Indian Fish Commission, the Inter-Tribal Timber Council, all very good testimony. We support that. I am going to reserve a minute or so at the end of my remarks, if I have time, for contract support costs, but I will reserve that conversation.

The first issue that we would like to talk about is our Blueback Restoration Project at the Quinault Nation. A number of years ago, in 2002, we had a BLM station of the Upper Quinault, and it was determined that, at that point, the blueback in the river would not recover and restore on its own, that it required human interven-

tion. In the 1950s we had millions of blueback stock run through our river system. It was in the millions. In the early 2000s, the numbers started declining down to 4,000. We had a graph that showed millions, and then just drop. And our fear at that time was that we may hit a point of no return, and how would it be possible to explain that prize wild salmon stock to future generations? And it was unthinkable, if that were to disappear entirely.

So we began an initiative, the Blueback Restoration Project. We also learned that, by installing a bridge to connect the north and south shore of Lake Quinault, it accelerated the river's flow, a fire hose effect, to the point where it just simply wiped out original spawning habitat because of the accelerated flows. And so we looked at best practices and science to try to figure out how we could contend with this issue, and we were advised by our staff and scientists to look at engineered logjams. So we constructed 14 of those engineered logjams. We planted conifer trees, riparian plants, and I could say right now that that Alder Creek side channel is recovering, the blueback are returning. It has been successful. It stabilized that river system.

In our testimony we have outlined the next phase. In the next phase we are looking to restore seven miles of the Upper Quinault. We are in partnership with the local community, the non-Indian citizens in the Upper Quinault. We have partnered with the park, with the Forest Service. This is an excellent example of private citizens working with the county, the state, the Federal agencies, and the tribe. And so we are very proud of this project, and we are looking to continue and advance the project. We call it our legacy. It is going to take at least 40 years to design and construct 400 of these jams.

And the last point I want to make about that, without the conifer trees, the river system moves rapidly, north to south, and it wiped out an entire house. The house had to be moved, and the citizens in the Upper Quinault were desperate for solutions. And we are now seeing that with that stabilized one system, over the course of time, we will restore that Upper Quinault the way it looked 100, 200, 300 years ago. So that is a legacy, and we are looking forward to seeing that come to fruition.

The second issue I would like to highlight relates to law enforcement. The Quinault Nation occupies 31 miles of international border. We have 31 miles of Pacific coastline. A number of years ago I started getting asked by many of our citizens about unusual activity on our reservation. I had a tribal elder talk about low flying helicopters surrounded by vehicles at midnight in a logging road. I had people in our crab fleet talk about high speed boats moving in and out off of a mother ship into Raft River, which is a very isolated part of our reservation. So we began to undertake a drug task force. We could not get grants, because we did not have data. All I could say were just these stories. We invested half a million of our own dollars, put together a drug task force in October.

Eight months later, in June of this last year, since our last testimony, we partnered with Federal officials. We had seven Federal indictments, 120 some Federal agents that came out to Quinault in a Blackhawk helicopter. We found out, not only are these drug traffickers working in Quinault, but they are infiltrating our timber,

cedar salvage, that is declining and depressing the market for our operators. A piece of property was bid for $20,000. Someone came in with cash, offered 60. And the person told me, Fawn, there is just not that much wood. So we know that this drug activity is not only trafficking. We have 22 points of entry from the Pacific Ocean to Highway 101 with no security. Department of Justice has recognized that the Olympic Park and the Olympic Peninsula is a high risk to international drug trafficking.

My last comment, 10 seconds, contract support costs. We are looking to the Congress. We have exhausted one branch of government, the U.S. Supreme Court. The administration executive is not honoring that commitment. We are looking to Congress. You are our last line of defense. Please uphold in good faith your commitment to the Constitution, and fully support contract support costs.

With that, thank you.

[The statement of Fawn Sharp follows:]

Quinault Indian Nation
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TESTIMONY OF FAWN R. SHARP, PRESIDENT
QUINAULT INDIAN NATION
BEFORE THE
HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2014 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE
April 24, 2013

Good morning and thank you for inviting the Quinault Indian Nation to present our FY 2014 budget priorities for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). We ask that this Committee not subject Tribal programs to sequestration reductions or assess unfair and disproportionate rescissions on American Indian and Alaska Native (AI/AN) peoples, not now, not ever. Ours is a unique relationship that you must honor and respect just as we were expected to trust you to honor the obligations documented in the agreements between our Nations. We ask this in the name of our ancestors and for the future generations of our indigenous people.

Tribal Specific Priority Request

- **$5.79 million over a period of 5 years for upper Quinault River Restoration – BIA (2013-2017)**

Local/Regional Requests and Recommendations

- **Affiliated Tribes of Northwest Indians**
- **Northwest Portland Area Indian Health Board**
- **Northwest Indian Fisheries Commission**

National and Self-Governance Requests and Recommendations - BIA Requests:

- **+ $9.8 million - Contract Support Costs over FY 2012 enacted level and maintain the status quo statutory language enacted in FY 2013**
- **+ $19 million – BIA Public Safety and Justice**
- **+ $8 million - Tribal Pay Cost to achieve parity with the U.S. cost predictions**
- **+ $89 million – General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs and will allow Tribes to fully exercise the right to self-govern**
- **Fully-fund provisions of Tribal Law & Order Act of 2010**
- **Funding to fully staff the Office of Self-Governance**

National and Self-Governance Requests and Recommendations -IHS Requests

- **+ $5.8 Million over FY 2012 enacted level**
- **+ $403 million for mandatory costs, inflation and population growth and to maintain existing health care services**
- **+ $171.6 million for Purchased/Referred Care Program**
- **+ $5 million to the Indian Health Service (IHS) Office of Tribal Self-Governance to keep pace with the increase needs of Tribes entering Self-Gvoernance**

TRIBAL SPECIFIC REQUEST JUSTIFICATION

$5.79 MILLION UPPER QUINAULT RIVER RESTORATION (5 year period from 2013-2017)

The Quinault Indian Nation (QIN) respectfully submits this proposal to complete river, floodplain, and salmon habitat restoration activities in four priority areas in the upper Quinault River (UQR) over a period of 5 years beginning in 2013. The QIN requests $5.79 million in funding to 1) build up to 140 engineered logjams, 2) purchase logs and pilings for use in the logjams, and 3) complete approximately 537 acres of forest restoration planting. The funding will also be used to complete permitting, consultation and other construction related activities.

The UQR is located on the west coast of the Olympic Peninsula in Washington State. The river provides the QIN culturally and economically important salmon resources. The most important salmon resource to the QIN is the Quinault Blueback (sockeye) salmon. The Blueback and other salmon stocks native to the UQR have declined significantly over the past 50 years. Current trends in Blueback run sizes indicate that the decline will continue and that the Blueback salmon is at risk of "virtual extinction".

The QIN hired the U.S. Bureau of Reclamation (USBOR) in 2002 to conduct a study to evaluate changes that occurred to the UQR and potential causes for the observed declines in Blueback salmon production. The USBOR identified many contributors to salmon habitat loss and the Blueback salmon decline. However, the most important conclusion made by the USBOR was that:

> *"the upper Quinault River and its salmon habitats will not heal on their own. Restorative intervention is required."* – U.S. Bureau of Reclamation 2005

In response to the USBOR's conclusion and inherent risks to continued viability of the Blueback salmon as a fisheries resource, QIN made restoration of the UQR and Blueback salmon one of its primary initiatives. QIN staff immediately began developing a plan to restore the river. The Quinault Department of Fisheries completed the *Salmon Habitat Restoration Plan – Upper Quinault River* (Plan) in 2008. The Plan is a comprehensive, science based approach to restore the UQR including its floodplains, floodplain forests, and salmon habitat.

The Plan applies engineered logjams (ELJs) and floodplain forest restoration methods modeled after natural floodplain forest developmental patterns and river channel habitat forming processes found in river valleys of the west side of the Olympic Mountains. The overall goal of the Plan is to restore for the long-term through cumulative benefits of individually completed projects, natural riverine and forested floodplain processes that will result in restoration of ecosystem services for salmon, wildlife and human users of the resources. Restoration of the Blueback and other fisheries resources in the UQR will provide cultural and economic benefits to local stakeholders, private landowners, and the QIN.

The Plan and restoration approach is endorsed by federal regulatory agencies including the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Army Corp of Engineers. The Plan is also endorsed by agencies of the State of Washington including the Governor's Salmon Recovery Office, Department of Natural Resources, Department of Fish and Wildlife, Department of Ecology, Washington Coast Sustainable Salmon Partnership, and the Pacific Coast Salmon Coalition. Federal land managers include the Olympic National Park and the U.S. Forest Service.

The QIN has received support in principle from over 27 private landowners in the UQR for the proposed projects. The QIN, with help from its restoration and funding partners, has raised and spent approximately $3.3 million in grant and 'in-kind" staff funding since the USBOR study was conducted a decade ago. In that period, QIN has completed planning, engineering design, an environmental assessment, streamlined permitting and Endanger Species Act (ESA) consultation processes, and constructed three habitat restoration projects. These accomplishments demonstrate the ability and commitment of QIN to restore the UQR and the Blueback salmon. The QIN requests that this proposal for funding be approved so it can continue the work it has begun and maintain the momentum it has established to restore the UQR and Blueback salmon.

PROJECT DESCRIPTION

The QIN proposes to 1) build up to 140 engineered logjams, 2) purchase logs and pilings for use in the logjams, and 3) complete approximately 537 acres of forest restoration planting. The QIN will also complete permitting, consultation, and other construction related activities. The QIN has shovel ready designs completed for 4.8 river miles of the 12.6 mile (approximately 6,900 acres) UQR restoration reach with the remaining 7.2 river miles scheduled for completion in late summer 2013. Restoration activities in this proposal include ELJ construction, materials procurement, and forest restoration planting in four prioritized project areas in the restoration reach.

PROJECT OBJECTIVES

The project areas proposed for use of the funding include approximately 3.6 miles of main stem river channel and 520 acres of existing floodplain. The project, if funded and constructed in its entirety, will yield approximately 7.7 miles of protected and/or restored main stem river and side channel salmon habitat, approximately 860 acres of new floodplain, and reestablish approximately 537 acres of mixed conifer-deciduous floodplain forest.

PROJECT TASKS, TIME SCHEDULE, AND BUDGET

The proposed project will complete tasks and related activities according to the time schedule and estimated costs identified in Table 1. The QIN will manage the project and provide 'in-kind' services necessary to complete Tasks 1 and 5. Local logging contractors and timber suppliers will provide materials and services necessary to complete the project. The QIN has a contract with Quinault Valley Forestry, LLC to provide services

necessary to complete materials procurement and construction services (Tasks 2 and 6). GeoEngineers, Inc. and Natural Systems Design are under contract with the QIN to provide permitting, river restoration, engineering design and construction oversight services (Tasks 3 and 4). R2 Resource Consultants is an environmental consulting firm under contract with QIN to provide forest and wetlands restoration services (Task 7).

Table 1. Project tasks, timelines, and estimated budget during the period 2013 to 2017.

Task	Description	Time Schedule	Amount
Task 1	Project Management & Coordination	2013 – 2017	$ 18,200
Task 2	Materials Procurement Services	2013 – 2017	$ 1,450,161
Task 3	Permitting, NEPA and Consultations	2013 – 2015	$ 12,000
Task 4	Professional Engineer Services	2014 – 2017	$ 140,000
Task 5	Fish Management/Conservation	2014 – 2017	$ 42,848
Task 6	ELJ Construction Services & Related Activities	2014 – 2017	$ 3,589,580
Task 7	Forest Restoration Services	2014 – 2017	$ 537,000
		GRAND TOTAL	$ 5,789,789

NUMBER OF JOBS CREATED OR RETAINED

Jobs created or retained by this project include professional, labor, and services wage jobs. This project as proposed will directly create or help to retain an estimated 109 part-time seasonal or full-time jobs during the 5 year period. 61 part-time seasonal or full-time professional and labor wage jobs will be created or retained during the 5 year period. An additional 35 jobs (which represent indirect and induced employment) are created or sustained as the income earned by the project workers is spent in other sectors of the economy. The proposed project will likely create or retain 41 jobs in the local Grays Harbor County and Jefferson County sectors whereas the remaining 20 jobs created or retained will be filled by professionals employed by companies located in the Puget Sound Region. In addition to the professional and labor jobs an estimated 48 services related jobs in the local Quinault, Washington area alone will be created or retained. These jobs include wage level positions in the food services, restaurant, tourism, retail, and lodging sectors. Additional jobs will also be created or retained as the income from the services workers is spent in other sectors of local and regional economies.

CONCLUSION

"The Great Spirit bestowed life to all of us...including the animals, birds, fish, insects and plants. Our collective Native warnings and predictions were ignored in the rush to capitalize and exploit the bountiful resources of the land. Countless irreplaceable species are preserved now in museums or documented in textbooks. As the consequences of unmanaged exploitation and pollution reach irreversible proportions, the United States heeded our centuries old appeals for environmental protection. We only hope it's not too late and that Mother Nature's wounds can still be healed. We will continue to serve as the environmental conscience to the notion and the world."

- ***Joseph B. DeLaCruz, President, Quinault Indian Nation, 1972-1993***

Mr. CALVERT. I thank the gentlelady for her testimony. I am going to turn over the chair to the gentlelady from Washington. I apologize, but I have a meeting that I must attend to, and she will continue the testimony.

Ms. HERRERA BEUTLER [presiding]. All right. Thank you. And now we are going to David Bean, with the Puyallup Tribe. Councilman? Thank you. Yeah, I can say Puyallup.

Mr. BEAN. May I properly introduce myself?

Ms. HERRERA BEUTLER. Yes, please.

WEDNESDAY, APRIL 24, 2013.

PUYALLUP TRIBE OF WASHINGTON

WITNESS

DAVID BEAN

Mr. BEAN. Thank you for allowing us here today. I am a member of the Puyallup Tribal Council, located in Washington. I am here on behalf of my chairman, Herman Dillon, Senior, who was unable to be here, but sends his regards.

We appreciate the increased funding provided for the operation of Indian programs within the Bureau of Indian Affairs and Indian Health Services. However, years of underfunding, the negative effects of inflation, and the devastating impacts of the sequester on fiscal year 2013, and possibly 2014, severely impact our ability to maintain self-determination and self-governance. We would ask that the Congress and the administration, in order to preserve these funding levels in recent years, we realize that you view these as base funding, and protect them, and hold them harmless from any across the board cuts, specifically because, historically, these programs have been so underfunded.

Our priority is public safety, and towards that end we appreciate this committee's commitment towards funding law enforcement programs. We fully support the $19.9 million requested increase for BIA public safety and justice. We also support the $13.4 million increase directed toward funding staffing, training operations, and O and M costs of newly constructed tribally operated detention facilities. We have recently received an R grant, in 2009, in the amount of $7.9 million to construct a 28 bed adult correction facility. We have recently submitted a contract request to the BIA for O and M funding for the new facility, including pre-award, startup, transitional funding, and staffing. We humbly request this committee's support.

You know, our request to the BIA had an estimated cost of $3.2 million annually. Further, the tribe requests the subcommittee support increasing funding for BIA detention and correction facilities by $32.2 million to reflect the actual funding need. We continue to request an increase in tribal court fund in the amount of $73.2 million, an increase of approximately three times the enacted FY 2012 base level.

The lifeblood of the Puyallup Tribe is our natural resources, including our fish, our shellfish, and many other forms of wildlife. I brought with me a picture today of our shellfish. It is a geoduck.

I myself am a commercial diver. I fished with my parents, and personally know the importance of these resources to both our culture and our economy.

Over 150 years ago, when our ancestors signed these treaties with the U.S. government, they believed that these natural resources would be the reason for our continued existence. And, towards that end, you know, we support requested increases for tribal hatchery operations and maintenance, the Timber, Fish, and Wildlife Program, and the Pacific Salmon Treaty. Existing levels are just simply inadequate to reverse the trend of resource habitat degradation. Furthermore, we request the subcommittee's support providing base funding for the tribe's Wildlife Management Program in the amount of $100,000 for the BIA unresolved Hunting and Fishing Rights Program in FY 2014 appropriations.

Improving the educational opportunities for our children is absolutely critical for the future of the Puyallup Tribe. Tribal pre-K enrollment is increasing, along with the cost of operations of maintenance of Chief Leschi High School facilities, of which I am a part of that school system, so I thank the Federal Government for providing the funds in the past, and then humbly request your continued, you know, support for those programs, excuse me.

The tribe was disappointed with the less than one percent increase requested for education programs. We will work with Congress and the BIA to increase funding in fiscal year 2014, including tribal grants and support costs for tribally operated schools, in the amount of $23 million above fiscal year 2012 level, replacement of school construction in the amount of $17.8 million, student transportation, $52.8 million, and elementary and secondary programs for $526 million.

The operation of Indian program and tribal priority allocation historically have not received adequate and consistent funding to equip tribes with the resources to fully exercise self-determination and self-governance. The tribe is requesting support from the subcommittee to fund OIP in fiscal year 2014 with a request of $2.183 billion in TPA, at a minimum of $894 million. We further request support from this subcommittee to increase funding for Indian child welfare by $45 million—Indian child welfare by $50 million, and child welfare assistance by $55 million.

I am going to wrap up here. Thank you. Finally, inadequate funding in IHS. Again, I grew up with IHS service, so I come here and say thank you from myself and our community.

Ms. HERRERA BEUTLER. Do not thank me.

Mr. BEAN. The Congress.

Ms. HERRERA BEUTLER. I would say the people.

Mr. BEAN. The people. And thank the people. Well, you represent the people, so, in your capacity, we thank you. The inadequate funding of IHS is the most substantial impediment to the current Indian Health System. It is a grave concern to the tribe that, of all the healthcare services operated by the Federal Government, Indian Health was not held harmless from the sequestration. The tribe has operated its healthcare program since 1976 through an Indian Self-Determination Act contract. Our current patient load exceeds 9,000 clients, of which approximately 1,700 are Puyallup tribal members. The tribe fully supports funding increases for ex-

isting IHS programs, and will work with the administration towards that end.

Now, we were taught, you know, from, you know, we are always taught from our elders you look to take care of the land. If you take care of the land, it will take care of you. And we are taught, you know, if you take care of your children, your children will take care of you. I am here as a result of some foresight of our ancestors and my elders, and here I am taking care of, you know, our children, and our community, and in return they will take care of me one day.

So I would like to close with that, and again raise my hands, and thank you for being here.

[The statement of David Bean follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
COUNCILMAN DAVID Z. BEAN
BEFORE THE U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2014
April 24, 2013

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2014 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Tribal Council Member for the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council, which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 4,416 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061-acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony being submitted to the U.S. House Appropriations Subcommittee documents the Puyallup Tribe's views on the President's FY 2014 Federal Budget. On April 10, 2013, President Obama delivered his delayed FY 2014 Budget to Congress. The Budget proposal focuses on job creation and the beginning steps to reducing the nations projected deficits. Within the budget, *$2.183 billion is provided for the Operation of Indian Programs. This represents an overall increase of $37.2 million over the FY 2012 enacted level.* For the *Indian Health Services, $5.5 billion is provided, an increase of $116 million over the FY 2012 enacted level.* We appreciate the increased funding provided for the operation of Indian programs within the Bureau of Indian Affairs and the Indian Health Services. However, the years of inadequate funding, negative effects of inflation and the impacts of sequestration on the FY 2013 and FY 2014 funding levels will impact the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2014 budget and future appropriations, efforts to ensure adequate funding is provided for the operation of Indian programs will be paramount. To preserve increased funding levels realized in recent years and contained in the proposed FY 2014 budget for the Bureau of Indian Affairs and the Indian Health Service, Congress and the Administration should view these increases as new *"base funding"* and be held harmless from across the board cuts to programs that have been historically underfunded. Specific issues and needs are:

Department of Interior – Bureau of Indian Affairs

Public Safety & Justice: The *FY 2014 Budget request includes $363.4 million for BIA Public Safety & Justice.* This represents a *$19.9 million increase* over the FY 2012 enacted level, which is fully supported by the Puyallup Tribe. The *$96.9 million for Tribal and BIA detention and corrections funding is of great importance to the Puyallup Tribe.* Within this amount, *$13.4 million increase* will be directed to fund *staffing, training, operations and O&M costs at newly-*

constructed tribally operated detention facilities. While this increase is supported by the Puyallup Tribe, it is of concern that current and ARRA funded facilities will remain understaffed and underfunded. The Department of Justice funded 13 tribes for the construction and/or expansion of detention facilities. According to the BIA Greenbook, five new or expanded facilities will become operational by the end of FY 2013, with additional facilities coming on-line in FY 2014. It is estimated that 291additional staff will be needed to operate these facilities. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of $7.9 million to construct a 28 bed adult corrections facility. The Tribe has addressed all special Terms and Conditions of the Grant Award, completed facility environmental documentation, design, executed final construction contracts and performed the Groundbreaking Ceremony on March 28th, 2013. The Project will be completed and be coming on-line by the end of the 2nd Quarter of Fiscal Year 2014. Over the past four (4) years the Puyallup Tribe has been working closely with national and regional staff of the BIA-Office of Justice Services on identifying the future operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. We have submitted a P.L. 93-638 contract request to the BIA for Operations and Maintenance funding for the new facility, including Pre-Award, Start-up, Transitional funding, Staffing and O&M funding. *We are requesting support from the Subcommittee on our contract request to the BIA for O & M funding for the Tribe's Adult Corrections facility, estimated at $3.2 million annually. Further, the Puyallup Tribe requests the Subcommittee support increasing funding for BIA Detention/Corrections by $32.2 million to reflect actual funding need.* In addition, we have submitted a P.L. 93-638 contract request to the BIA for Tribal Court funding, including pre-award and start-up funding. In FY 2012, the BIA was able to fund only one-third of actual need of pre-award and start-up funding requests. *We continue to request support from the Subcommittee to increase Tribal Court funding at $73.2 million, approximately an increase of three times the FY 2012 base funding. Increased funding would be used for judges, prosecutors, public defenders, probation officers, court staff and development of diversion programs designed to reduce recidivism within the tribal judicial system.*

Natural Resources Management: The Puyallup Tribe as stewards for land and marine waters in the Usual and Accustomed fish, shellfish and wildlife areas has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and non-Native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. For FY 2014, *$9.613 million is provided for BIA Western Washington Fisheries Management, a small increase over the FY 2012 enacted level of $8.256 million.* As the aboriginal owners and guardians of our lands and waters it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship of these resources. The Puyallup Tribe will continue to secure increased funding for Hatchery Operations and Maintenance. The President's FY 2014 budget contains $6.842 million for Tribal Hatchery Maintenance, compared to the FY 2012 enacted budget of $4.83 million and $1.85 million for Tribal Hatchery Operations, compared to the FY 2012 enacted budget of $1.6 million. *The Puyallup Tribe supports the President's FY 2014 funding requests for Tribal Hatchery Operations and Maintenance.* The Timber, Fish and Wildlife (TFW) Supplemental and U.S./Canada Pacific Salmon Treaty programs has allowed for

the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases, which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request the Subcommittee to support providing funding for the T.F.W. at the President's FY 2014 request of $3.082 million and U.S./Canada Pacific Salmon Treaty program funding at $4.844 million, an increase of $640,000 above the FY 2012 enacted level.* The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the BIA Unresolved Hunting and Fishing Rights grant program. *We request the Subcommittee to support providing base funding to the Tribes Wildlife Management Program in the amount of $100,000 through the BIA Unresolved Hunting and Fishing Rights program in FY 2014 Appropriations.*

Education: The FY 2014 Budget requests funding of $802.7 million for the Education program, an increase of $7.2 million, less than a 1% increase above the FY 2012 enacted level. We operate the pre-K to 12 Chief Leschi Schools which include a verified 2011-2012 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future. Additional education facility space will be required. The Puyallup Tribe is concerned and strongly disagrees with the proposed elimination of funding for the Replacement School Construction line item. We do not believe that the underfunded Facilities Improvement and Repair program will be able to address the growing need for new education facilities. Additional, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs. The Tribe will work with Congress and the BIE to increase funding in FY 2014, including; *Tribal Grant Support Cost for Tribally Operated Schools - $23 million above the FY 2012 enacted level; Replacement School Construction - $17.8 million; Student Transportation - $52.796 million;* and *Elementary and Secondary Programs - $526.4 million.*

Operations of Indian Programs & Tribal Priority Allocations: The President's FY 2014 budget is in drastic need for increased funding for the BIA Operations of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operation of Indian Programs at the FY 2014 request of $2.183 billion and Tribal Priority Allocations at a minimum of $894 million, an increase of $15.5 million above the FY 2012 enacted level.* We further request support from the Subcommittee to increase funding for Indian Child Welfare (TPA) by $45 million; Increase Urban Indian Child Welfare programs by $15 million; and increase BIA Child Welfare Assistance by $55 million.

Department of Health and Human Services – Indian Health Service

The inadequate funding of the Indian Health Service is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Puyallup Tribal members. There are no Indian Health Service hospitals in the Portland Area so all specialties and hospital care have to be paid for out of our contract care allocation. The contract care allocation to PTHA has been significantly inadequate to meet actual need since FY 2004 when the Puyallup Tribe subsidized Contract Health with a $2.8 million contribution. For FY 2013 the tribal subsidy had reached a staggering $6 million. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, Tribal budget priorities in FYs 2012 and 2013 have made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. The *FY 2014 Budget requests $5.5 billion in discretionary budget authority for the Indian Health Service. This represents a $116 million increase over the FY 2012 enacted level.* For *Health Services programs the FY 2014 budget request is $4.43 billion, an increase of $112 million over the FY 2012 enacted level.* Included within the increases are funding for Contract Support Costs ($477.2 million - $100 million short of actual need), Purchase/Referred Care ($878.5 million), IHS Facilities ($448.1 million) and Alcohol and Substance Abuse funding ($196.4 million). The Puyallup Tribe fully supports funding increases for existing IHS programs and will work with Congress to increase funding for IHS and the critical programs administered by this Agency. However, if the Congress and the President do not agree to an alternative to the existing sequestration, any increases to IHS funding in the FY 2014 budget will be eliminated.

Sequestration

Finally, it is the Tribe's sincere hope that the FY 2014 bill language remedy the drastic cuts to FY 2013 appropriations implemented under the sequester. As we have already stated, tribal programs have been historically underfunded-and this is in spite of the fact that the federal government maintains a sacred trust responsibility over Indian affairs. Should sequestration go into effect October 1, 2013, the proposed FY 2014 Interior Department could be reduced to $10.966 billion, a $467.6 million decrease below the FY 2012 enacted level for the Interior Department, taking Indian Country and the Nation in the wrong direction. The across the board 5% cuts to already underfunded tribal programs will have devastating impacts on Indian Country and reverse or delay tribal efforts, such as my Tribe's, to improve our economies and the health and well-being of our Tribal members.

Ms. HERRERA BEUTLER. Next we are going to go to Joseph Pavel, Vice Chairman, Skokomish Tribe, from Washington.

WEDNESDAY, APRIL 24, 2013.

SKOKOMISH TRIBAL NATION

WITNESS

JOSEPH PAVEL

Mr. PAVEL. Good morning. I am Joseph Pavel, Vice Chairman of Skokomish Tribal Council. Thank you for hearing us, Madam Chairman. Pleasure to meet you, Representative Beutler. I do not think we have ever had the pleasure before. I would just like to concur with you on your observation with some of the issues with regard to our resource management, with the mono-agrarian policies that have been established in our state, Federal, and commercial forest lands. We have a large issue with that. I would just like to point out that Norm Dicks, one of his projects was a forest legacy and stewardship program, which we have utilized in the Skokomish Watershed. It has certainly been a very huge benefit in our salmon recovery efforts there as well, but we look to use that as a tool for game management.

We have our hurdles to overcome with regard to mono-species management, the spotted owl, with regard to doing any sort of activity within the timberland base, but we continue to encourage the Forest Service to address that. They have got some projects on the books. They have been planning and meeting for, like, four years for a couple of small harvests, open up the canopy. We did a 37 acre prairie restoration burn about 10 years ago, and that is the kind of thing that requires maintenance, ongoing maintenance, to establish that prairie. Thirty-seven acres in an area that—I think some of the historic—aerial photographer shows us about a 1,200 acre area, so, you know, we are struggling to prevent these kind of things.

So once again we come here in a crisis mode. It is unfortunate that we have to petition you in this manner, with law and order, justice, the health issues. You know, I would like to come to you from a community health perspective. You know, we had an unfortunate piece of news yesterday. I was here, one of our young tribal members committed suicide at a local county jail. You know, so that is just kind of the end result, the culmination of these many issues we face with regard to the education of our youth. The mental health aspects, the drug abuse, all of these issues that we continue to address. I guess most commonly, you know, firefighting mode, you know, crisis management.

You know, we support, you know, increases to IHS. Youth mental health is certainly a huge gap in the available resources in that arena, prevention activities. I think, with the high emphasis on law and order, you know, we certainly petition for increasing our law enforcement capabilities. We have been hard at work, have tried to reform, and create a more efficient and more responsive judicial system with our own reservation, our lone community, the violators

that we do, you know, incarcerate and so forth, and write tickets, and bring them to court, and get them into the system.

We are looking for alternatives to incarceration. You know, trying to look at encouraging them to address these issues within the court system, with a more responsive prosecutor, establishing a Public Defender, so these are the kind of things we want to be able to implement, helping these people. Those are part of our community. They are not just criminals and violators. They are part of our community, and they deserve our attention, as far as our community service, so we look to be able to provide a service to them, not just a punishment to them.

You know, then, within the natural resources arena, I guess a recent addition to all the many responsibilities we have heard of here today would be the shellfish. You know, we have got to establish through the, you know, the legal system, and the treaty rights, a shellfish program, shellfish harvesting and so forth. And we were able to get the legal standards, but we have to struggle to provide the infrastructure to manage that, because that is hugely complex. It adds a public safety, a public health element to it, with regard to shellfish. I think we are all aware. We certainly concur with the state and with the private growers that we have to be ever vigilant and ever conscious to maintain and manage that resource, with regard to any public health risk. So that has added a layer of complexity to that. Takes up people on the ground, takes more law enforcement. It takes more technical resources.

So, with that, I think you have my written testimony, and I thank you for this time.

[The statement of Joseph Pavel follows:]

TESTIMONY OF VICE-CHAIRMAN JOSEPH PAVEL
THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
FISCAL YEAR 2014 BUDGET
APRIL 24, 2013

I am Joseph Pavel, Vice-Chairman of the Skokomish Tribe of Washington State. I would like to thank the Subcommittee for the opportunity to present testimony on the FY 2014 appropriations for American Indian/Alaska Native programs within the Interior Department, Indian Health Service and Environmental Protection Agency. The Skokomish Indian Tribe is responsible for providing essential governmental services to the residents of the Skokomish Indian Reservation, a rural community located at the base of the Olympic Peninsula with a population of over 2,000 people, including approximately 700 Tribal members. The Tribe provides services through various departments – Tribal Administration, Community Development, Information Services, Early Childhood Education (including Head Start), Education, Health Clinic, Housing, Legal, Natural Resources, Public Safety, Public Works, and Tuwaduq Family Services. The Tribal government also works closely with community members to identify needs and prioritize services. Adequate federal funds are critical to the Tribe's ability to address the extensive unmet needs of our community.

I. BUREAU OF INDIAN AFFAIRS

Law Enforcement. We support the President's proposal to increase funding for BIA Public Safety and Justice Programs. The Skokomish Department of Public Safety (SDPS) provides 24/7 law enforcement services for the Tribe. SDPS is responsible for patrolling and enforcing justice both within the Tribe's 5,300-acre Reservation, and throughout the Tribe's 2.2 million-acre Treaty area where the Tribe has Treaty-protected hunting, fishing and gathering rights. SDPS currently has a Chief of Police, 7 full-time officers, and 1 part-time officer. Despite SDPS's best efforts, it cannot meet all of its responsibilities unless staffing is increased.

Officers respond to all manner of calls for police services including a wide range of felonies and misdemeanors. They patrol both land and water in Hood Canal Basin, enforcing Tribal laws, treaty rights, court orders, and federal and state statutes. Staff is stretched thin. In addition to its primary responsibilities in patrolling the Reservation and the usual and accustomed areas where Tribal members make their living fishing and hunting, the SDPS performs other necessary duties. For example, the SDPS officers (who are cross-deputized) assist the Mason County Sheriff's Office and the Washington State Patrol. The SDPS is also tasked with first response in the event of a natural disaster or emergency management situation.

But with only 4 officers available for day-to-day patrol duties, individual officers often work alone. Understaffing exposes both the community members in need of assistance and SDPS officers to undue danger. Unfortunately, this is SDPS's reality. To meet mandated responsibilities, staffing must be increased. Vacancies due to illness, training and other leave force the Chief of Police to handle patrol duties. Budget limitations severely restrict overtime. Often gaps in shift coverage go unfilled relying on an "On Call" response. This gravely increases the risk to the safety of the community and creates service gaps affording opportunities for increased criminal activity. A memorandum of understanding with the Mason County Sheriff's

Office helps to fill some of these gaps on an as-needed basis. However, the costs are significant and there are times when a Deputy simply is not available.

The SDPS strives to get the most from every dollar spent and is constantly working to improve in every aspect. An outdated Records Management System (RMS) was recently replaced. The new RMS will provide more succinct statistical crime data and will be instrumental in the proactive deployment of SDPS personnel. A new community policing plan is also in place, as well as a new training plan. But because of limited funds, progress is slow.

Today, the Skokomish Reservation faces many of the same issues as other communities. Domestic violence and substance abuse critically impact the Tribe. The Skokomish Tribe also hosts visitors from the surrounding communities as well as a large tourist trade. This is the avenue through which narcotics are brought into the Reservation. With the drug trade comes many other associated undesirable issues – theft, burglary and poaching, to name a few. There is a sense of helplessness in the community, resulting in crimes often going unreported. SDPS does not have the resources to effectively stem the tide of this illicit activity.

In order for the Skokomish Tribe to ensure safety, service and protection of the community, an immediate and dramatic increase in staff is needed. To properly carry out its responsibilities SDPS needs another 7 officers. Dedicated resources for investigations, community policing and crime prevention alone require a minimum of 3 additional officers. The Tribe simply cannot provide these resources so necessary for the protection of our community without the additional funding assistance of the Federal government.

Tribal Court. The Skokomish judiciary handles a high volume of cases relative to our community's population. The Court currently has over 262 open criminal, civil, and family court cases. The Skokomish Tribal Court is in the midst of a major restructuring project as a result of the Tribe's unwavering commitment to providing meaningful access to justice for all of its community members. Specifically, the Tribe has recently begun providing public defense services to its Tribal members who are facing criminal charges. In addition, the Tribe has recently recruited a new prosecutor, probation officer, and a pool of Tribal Court judges who are actively working to encourage alternatives to incarceration, while reducing criminal recidivism.

We support the President's proposal to increase funding for Tribal Courts, but the increase proposed is not enough. To protect the tribes from the adverse impacts of sequestration and the demands on our courts, we respectfully request that Congress increase funding substantially so that the Tribal Court in cooperation with the Public Safety Department can continue its momentum in improving our judiciary to reflect the needs and values of the Skokomish community. This includes fully implementing the Tribe's retrocession from Public Law 280, consistent with the standards for implementation of the Tribal Law and Order Act of 2010, and ensuring that our most vulnerable community members are fully protected through proper implementation of the newly amended Violence Against Women Act.

Natural Resources. We strongly support the President's proposal to increase funding for Trust-Natural Resources Management programs by $34.4 million over FY2012 levels. Increased funding to foster sustainable stewardship and development of natural resources and support fishing, hunting and gathering rights on and off-reservation, is essential to our people who depend on natural resources for their livelihood.

For example, the Pacific Salmon Treaty grant supports the Tribe's federally mandated salmon sampling program. Throughout the entire salmon season, and to ensure proper

management of the resources, we must collect scale and coded-wire tag samples from Chinook and Coho, and scale samples from Chum on 20% of our catch. This information is used to determine run size and allows fisheries managers to properly structure the fisheries. Current funding levels have been sufficient to achieve this goal; however, with sequestration, we are facing cuts in FY 2013. Without proper funding for this program, it will become very difficult, if not impossible, for the Tribe to ensure the safety of ESA-listed salmon which may result in a loss of a Treaty-reserved resource and our members' ability to support themselves from that resource. We urge Congress to increase the current level of funding for this vital program.

Hatchery cyclical maintenance funds are also invaluable for supporting the Federal government's investment in tribal hatcheries. Most tribal hatcheries are underfunded and each year brings more decay to the facilities. Here too, adequate funding for hatchery maintenance is imperative to prevent these important pieces of the salmon restoration puzzle from crumbling away. Because of habitat destruction, the only reason we continue to have salmon for Treaty-harvest activities is the operation of salmon hatcheries. Congress cannot allow the main pillar of this all important Treaty right to take a reduction in funding.

Five years ago the Tribe was able to cobble together a wildlife program consisting of one biologist and one technician. The program is partially funded by Timber, Fish, and Wildlife funds of about $95,000; the Tribe supplements the program with an additional $35,000. The Tribal program needs additional funding to staff three dedicated wildlife enforcement officers who will not only enforce the Tribe's regulations, but ensure that poaching of the Tribe's wildlife resources does not occur from outside entities who sometimes fail to recognize the Tribe's Treaty rights. Sequestration will make it all but impossible for us to continue to properly manage our resources. We request additional funds in the amount of $240,000, so we will have stable funding for a complete wildlife program.

Transportation. The Moving Ahead for Progress in the 21st Century (Map-21) bill was enacted in July 2012. The legislation requires that federal grant funds be awarded through State DOTs. In the past, we had the option of receiving funding through the BIA as a 638-contract. We are finding with our two current Scenic Byways grants that going through the State DOT costs more and the projects take twice the amount of time to complete. The Tribe would like to see an amendment to MAP-21 that reinstates our right to either directly receive funds or have the funds come through the BIA.

II. INDIAN HEALTH SERVICE

The Skokomish Tribe supports the President's proposal to increase funding for the Indian Health Service. We have a Tribally-operated Ambulatory Health Center located in a relatively remote geographic area and continue to face financial barriers to the effective provision of health care services. Our Contract Health Service (CHS) funds are insufficient to meet needs and we urge that federal funds for those be increased in light of the rising cost of health care and the serious health issues our patients face such as cancer, diabetes, and heart disease.

Among the problems are the increases we are seeing in oral health costs on the Reservation. Federal funding has not kept pace. Dental problems are common among low income households and drug users. In many instances, when dental problems are finally dealt with they require specialized dental care, which the Tribe lacks resources to provide. Further compounding the problem is if our CHS funding is spent, Tribal members without dental

insurance are more likely to forego the necessary specialized dental care. Instead, we are seeing an increase of individuals with oral health issues seeking alternative relief through over-the-counter analgesics or visiting the emergency room of the local hospital. Since emergency rooms are not staffed for dental treatment, Tribal members are given narcotics to control their pain, but the need for treatment still remains. Poor oral health can lead to negative effects on general health. With an already stretched CHS budget here at Skokomish we are in need of funding to address the rise in negative health care costs.

The increase in oral health care problems further confirms the extensive on-going health problems arising from substance abuse. Federal funds are needed not only for drug and alcohol treatment, but also to address the medical and dental needs that the addiction has caused.

In addition, related to mental health, we have identified a need for a youth mental health facility. While there are youth substance abuse treatment facilities, there are no facilities available to treat mental health issues for youth who do not have any substance abuse issues. We urge Congress to direct the IHS to report on its effort to develop a youth behavioral health facility to meet the growing mental health needs of our Native youth.

III. NATIONAL PARK SERVICE, TRIBAL HISTORIC PRESERVATION PROGRAMS

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. In FY 2001, there were 27 THPOs with an average award of $154,000. Currently there are 141 tribes operating the program, each receiving less $51,000. We fully support the President's proposal to increase funding for the Historic Preservation Fund.

IV. ENVIRONMENTAL PROTECTION AGENCY

EPA has long lacked sufficient funds for State and Tribal Assistance Grants (STAG). These funds provided grant money for a wastewater treatment plant. We still need approximately $12 million to fully build our core Reservation plant. The President's FY2014 budget would reduce funding for some STAG grants with small increases to others. We urge Congress to increase funding for these grants as that would be a tremendous benefit to the tribes.

V. CONTRACT SUPPORT COSTS – BIA and IHS

We are very concerned that the President's proposed budget would cap contract support costs for tribally contracted services with the BIA and IHS in this and future years. We urge Congress to fully fund all contract support costs and to resolve all outstanding BIA and IHS contract support costs claims.

Conclusion. The Tribe thanks the Subcommittee for the opportunity to present testimony on these important issues.

Ms. HERRERA BEUTLER. With that, we are going to go to Timothy Ballew, with the Lummi Indian Business—Lummi? I have not heard of the Lummi Indian Business Council, but I am excited to hear your testimony.

Mr. BALLEW. Thank you.

Ms. HERRERA BEUTLER. I am in the Portland media market. Give me some slack here.

WEDNESDAY, APRIL 24, 2013.

LUMMI INDIAN BUSINESS COUNCIL

WITNESS

TIMOTHY BALLEW, II

Mr. BALLEW. My name is Tim Ballew, Chairman of the Lummi Nation, thanking the chairwoman of the board, and distinguished members, all of the leadership of Indian country. It is an honor to be here today to testify for the Lummi Nation. I come here as the chairman of our people, and a fisherman for the people.

Since time immemorial, the Lummi Nation, and the people, the Lhaq'temish, have occupied and used vast areas of the lands and waters of the Salish Sea. We have done so to support the fishing lifestyles, and the salmon have played an enduring role in that for our tribe's subsistence, culture, identity, and economy. At the signing of the Point Elliott Treaty in 1855, we ceded tens of thousands of acres of land. In return, among other things, were reserved right to take fish, all in the name of maintaining a way of life, and doing so alongside our neighbors of the Washington territory.

The fish stocks have plummeted in the past decade, and since the signing of the treaty, and in 2008 the Lummi Nation declared a Sakai disaster. Although the tribal fisheries alone have not played the primary role in the decline of the fishery, the Lummi Nation has taken it upon itself to help rebuild the stocks with two fish hatcheries that it owns and operates. Both hatcheries, the Skukum Creek Fish Hatchery and the Lummi Bay Fish Hatchery, were built in the 1970s. Both hatcheries provide commercial angler subsistence and ceremonial opportunities for all the residents of Washington State, and support 15 user groups. Also, both hatcheries have struggled with inadequate water sources since their construction.

The proposed $8.6 million budget in the BIA fish, wildlife, parks project and fish hatchery program is inadequate to support the 86 tribal fish hatcheries that are in operation. The Lummi Nation requests that the BIA fish, wildlife, parks project and fish hatchery program be increased an additional $5 million, with $2.5 million set aside for the Lummi specific hatcheries for construction upgrades, for new water supply lines, and a water recirculation project that would better allow us to provide more fish stocks for the Washington residents.

Furthermore, the Washington State Department of Ecology has, under State law, the authority to manage water in Washington State, and the State has presently, and been for several years, managing water rights and water that remains in the stream in a

way that harms fish that are protected under the Point Elliott Treaty.

The BIA Water Resource Department has a key role in protecting water resources that are necessary for the viable Lummi and Washington treaty rights. The bulk of the Water Resource Department has proposed funding that is based on outstanding obligations that the BIA has with tribes under existing water rights settlements. The $1 million available is not sufficient in order to protect water resources for all tribes. Water right claims are based on science studies and modeling, and in order for BIA to carry out this trust responsibility, and assist the Lummi Nation and other local Northwest tribes in finding a resolution with Washington State Department of Ecology, the appropriations available is grossly insufficient. The Lummi Nation requests that the BIA Water Resource be funded with $5 million to be proactive in addressing water right issues that are related to treaty rights, with $200,000 to be addressed for Lummi specific water right issues.

Also, to keep in mind with the Federal Government's trust responsibilities in upholding its obligations to both education and health, Lummi has requests that relate to BIE and IHS. The Lummi Nation requests $300,000 for a new early learning childhood facility, which Lummis plan to finish within the next year, and we are in need of equipment and new staffing for a new Head Start building that we have invested with our own hard dollars. Also, Lummi Nation requests $500,000 to allow Indian Health Services to provide minimal funding to the Nation for alcohol, substance abuse, and meth mitigation and suicide prevention programs. I just have one more point before the time up. The need for alcohol and substance abuse is directly tied to a symptom of a lack of the fish dock, which is a burden on our way of life. An inability for our people to produce and find a way to contribute back to the community has spilled over into a social effect that our folks from Quinault and other tribes have touched on. We support any line item that helps Indian country combat the negative effects of drug abuse.

And, lastly, we would like to encourage the subcommittee, and members of Congress, to continue to meet our trust responsibilities and obligations, and we look forward to be partners with you and the rest of Indian country to contribute to the community.

[The statement of Timothy Ballew, II follows:]

LUMMI INDIAN BUSINESS COUNCIL
2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

Testimony of the Honorable Timothy J. Ballew II,
Chairman of the Lummi Nation
Before the House Appropriations Subcommittee on
Interior, Environment and Related Agencies on the FY 2014 Budgets
for the Bureau of Indian Affairs and the Indian Health Service Programs

Good morning and thank you Mr. Chairman and distinguished Committee Members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2014 budgets of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Background Information

We are the *Lhaq'temish*, "The Lummi People". We are the original inhabitants of Washington's northernmost coast and southern British Columbia and is the third largest Tribe in Washington State serving a population of over 5,200. The Lummi Nation is one of the signatories to the Point Elliot Treaty of 1855. The Lummi Nation is a fishing Nation and for thousands of years we have worked, flourished and celebrated life on the shores and waters of the Salish Sea which is referred to as Puget Sound. We have drawn our physical and spiritual sustenance from the marine tidelands and waters of the Salish Sea since time immemorial, and we understand the challenge of respecting our traditions while making progress in a modern world - to listen to the wisdom of our ancestors, to care for our lands and waterways, to educate our children, to provide family services and to strengthen our appropriate ties with neighboring communities and jurisdictions.

Lummi Specific Requests – BIA and Bureau of Indian Education (BIE)

- +$13 million over 10 years on fish hatcheries:
  - $2 million for Phase 1 – Fish Hatchery Water Supply Line
  - Basic maintenance, upgrades and improvements
  - Fish hatchery expansion and construction
- +$300,000 for BIE – Preschool – Furnish, equip and staff two (2) new classrooms
- +$200,000 funding to continue the Lummi Nation's successful water rights restoration and management program.

Committee Direction to Department of Interior (DOI) Requests

- Direct the DOI and BIA to settle existing claims for past contract support funding owed to tribes and consult with tribes on contract support costs policies and procedures to govern future funding years.
- Require Census to work with Tribal governments and BIA to develop a tribal specific Census supplemental program.
- Secure Residential School funding for youth who reside at Lummi Youth Academy.
- Increase funding for Community Fire Protection Program consistent with tribally identified need(s).

Lummi Specific Requests – Indian Health Services

- +$500,000 for IHS to provide minimal funding to the Lummi Nation under the ASAP and MMSP programs.
- +$500,000 for IHS facility funding to support the start-up furnishing, staffing and equipment packages for a school and an urban health care clinic.

Committee Direction to DHHS Requests

- IHS must take a leadership role in the implementation of the Affordable Care Act (ACA) amongst DHHS Operating Divisions.
- IHS must take the primary role in the implementation of Indian Health Care Improvement Act.
- Provide direct financial support to IHS for a Tribal/Federal Work Group which addresses the need for Basic Emergency Medical Services among tribal members.

Lummi Specific Requests Justifications – BIA/BIE

+$13 million over 10 years on fish hatcheries: Lummi Nation Fish Biologists estimate that our fish hatcheries are currently operating at 30% of their productive capacity. Funding is needed to support increased hatchery production through basic maintenance, upgrades and improvements. This is addressed in the Lummi Nations comprehensive plan to eliminate economic fishery disasters which have regularly occurred since 1999.

+$2 million for Phase 1 – Fish Hatchery Water Supply Line: We are requesting funding for the first phase of this project. Our goal is to increase fish returns by improving aquaculture and hatchery production and create a reliable, sustainable resource to salmon fishers by increasing enhancement.

Fish hatchery expansion and construction: The water infrastructure project is needed to support fish hatchery optimization expansion and construction to meet the demands of the modern world.

+$300,000 for the Lummi Nation Preschool to furnish, equip and staff for two (2) new classrooms. The Lummi Nation has financed the construction of a new early childhood learning facility to house the Lummi Nation Head Start Program, Lummi Nation Day Care and adding two (2) new Classrooms from BIE Preschool funds.

+$200,000 funding to continue the Lummi Nation's successful water rights restoration and management program. Lummi Nation developed its successful Water Rights Restoration and Management project, in response to literally decades of neglect by the Federal government which resulted in the development of non-tribal community water systems on Lummi Reservation Lands; lands that are treaty-reserved for the exclusive use of Lummi Nation tribal membership. The Lummi Nation has been able to assume ownership of three (3) reservation based water systems developed by non-Indians with relatively little disruption to water services. Our successful model requires substantial initial expenditures to avoid long term costs. Lummi Nation's approach is to use staff lawyers to work with existing water associations and stakeholders to negotiate and avoid long term costly litigation.

Committee Direction to DOI Requests Justifications

Direct the DOI and the BIA to settle existing claims for past contract support funding owed to tribes and consult with tribes on contract support costs policies and procedures to govern future funding years.

Require the Department of Commerce, Bureau of the Census to work with the Department of the Interior—BIA to assume the responsibility and funding otherwise available for the US Census of Indian Country. The BIA is uniquely constituted and situated to work with Tribal governments to develop a comprehensive, reliable and valid Census for Indian Country. Now, that the BIA is under pressure to improve the reliability and validity of its Labor Force Report and related data they are drawn back to the Census.

Secure Residential School funding for youth who reside at Lummi Youth Academy. The Lummi Nation has constructed facilities to support 70 residential service placements for Lummi Nation youth at the Lummi Nation Youth Academy. The Lummi Nation is seeking to assume authority and funding from existing BIA Residential Schools. The Lummi Nation is preparing formal notification, 18 months in advance of the planned assumption date.

Increase funding for Community Fire Protection Program consistent with tribally identified need(s). Tribal governments, who rely on these services to limit damage to property injury and death to its membership, must reach out to local services with little or no resources to support the services needed. In time of economic hardship local governments eliminate services for which there is no identified payment source. Currently, the Bureau Community Fire Protection Program is funded at $845,000 which serves approximately 40 Tribal communities out of a total to 565+ Tribal communities.

Lummi Specific Requests Justifications – IHS

+$500,000 to allow the Indian Health Services to provide minimal funding to the Lummi Nation under the ASAP and MMSP programs. The Alcohol and Substance Abuse and the Meth Mitigation and Suicide Prevention Programs fund services desperately needed by Lummi Nation membership on both an individual and community basis. Lummi Nation Police and Tribal Court handles over 2,000+ alcohol and drug abuse cases each year.

+$500,000 for facility funding to support the start-up furnishing, staffing and equipping packages for a school and an urban health care clinic. The Lummi Nation is seeking to expand access to health care services for its membership. We see the opportunity to expand Lummi Nation Health Care services to our Tribal school and to our Lummi Nation urban population who reside off Reservation due to the lack of housing on the Reservation.

Committee Direction to DHHS Requests Justifications:

IHS must take a leadership role in the implementation of ACA amongst DHHS Operating Divisions. The IHS must act in concert with tribal governments who are seeking ways to ensure their membership accesses and benefits from National Health Care Reform.

Lummi Nation is requesting that the Committee direct DHHS and IHS to convene in Tribal consultations and Tribal Work Groups on program, services, functions and activity proposals of the Indian Health Services and the operating divisions.

IHS must take the primary role in the implementation of Indian Health Care Improvement Act. There are several provisions of the Indian Health Care Improvement Act that must be supported and implemented through IHS. Sections 206, 222 and the sections that prohibit Indians being forced to register in a managed care plan. The Lummi Nation is requesting that the Committee direct the Indian Health Services to form a Tribal/Federal Work Group to identify and develop a plan of action to address these implementation issues.

Provide direct financial support to the Agency for Tribal/Federal Work Group which addresses the need for Basic Emergency Medical Services among tribal members. IHS has assumed that other local governments are providing these essential community services. Tribal Governments rely on these services to limit damage to property, injury and death to its membership. During times of economic hardship local governments are cutting those services which are not supported by additional funding. Lummi Nation requests that the committee provide specific financial support to the Tribal Federal Work Group convened to address the need to plan and implement essential community services.

Regional Requests: The Lummi Nation supports the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board and the Northwest Indian Fisheries Commission, that is beneficial to the region and our tribal interests.

National & Self-Governance FY 2013 Budget Priorities: In general, all BIA and IHS line items should be exempt from any budget rescission and discretionary funding budget reductions.

BIA

- Fully Fund Contract Support Costs (CSC) – Provide increase over the President's FY2013 request needed to fund the CSC shortfall report.
- Law Enforcement - Fully Fund all Provisions of the Tribal Law & Order Act of 2010 and VAWA's reauthorization tribal provisions that affect Indian Tribes & Law Enforcement programs, services and functions.

IHS

- Fully Fund Contract Support Costs (CSC) – Provide increase over the President's FY2013 request needed to fund the CSC shortfall report.
- Mandatory Costs – Provide increased funding for Mandatory Health Care costs to maintain current services.
- Purchased Referred Care (PRC), formally Contract Health Services – Provide a threefold increase to CHS Funding.

Thank you for this opportunity to provide Lummi Nation appropriations priorities for FY 2014.

Hy'shqe.

Ms. HERRERA BEUTLER. Thank you very much.

And last, but not least, Edward Johnstone.

Ms. HERRERA BEUTLER. Treasurer, Northwest Indian Fisheries Commission.

WEDNESDAY, APRIL 24, 2013.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

EDWARD JOHNSTONE

Mr. JOHNSTONE. Thank you, Madam Chairwoman. It is truly an honor to come before you to this committee. The committee has really came through for Indian country in the last several years. The support across the Board has been really remarkable to see, and I bring the messages of best regards from Chairman Billy Frank, who could not make this trip. But he wanted to make sure that the committee heard that. My message was to also bring to the community continued thanks for the support. Gains that we made in FY '10 were very important to us, and the work that we do to rights protection in Western Washington.

But I am the treasurer of the Northwest Indian Fish Commission, and we represent 20 tribes of Western Washington, from the peaks of the Cascades down into the Puget Sound backup, into the peaks of the Olympic Mountains, out into the Pacific Ocean, from the Canadian border down into about Central Washington, with our treaties and our U and As. We were formed just after the U.S. v. Washington, commonly known as the Boldt Decision, by the tribes that recognized the needs that were necessary to comply with the Judge's Orders, and actually was supported by the Congress, and written right into the Decision, so it is implementation dollars that are base funding under rights protection.

The rights protections cover 41 tribes in several treaty areas, Columbia River Inter-Tribal Fish Commission, Great Lakes Commission, Chippewa, Ottawa, and I think it is 1854 Commission. And that pretty much represents the rights protection account.

You heard earlier Kat Brigham and other talks about, you know, their support for these funds, and collaboratively we have worked together on these issues over the years, and we have provided written testimony. I just wanted to touch, basically, on the importance of what that means.

The project that Fawn was talking earlier about, the Sakai restoration in the Upper Quinault, is actually a 100 year vision. And most people cannot even get their thoughts around a 100 year vision, but it can be synthesized down into about a 40 year plan, if you come up with the money, and we have collaborated with several folks to put that project together. The importance of what I am saying here is the Pacific Coastal Salmon Recovery funds are basically the foundation of the dollars that we are able to put together. And the tribes in the Northwest Indian Fish Commission, and the other places that the money flows through, the different states, and back to the tribes, those have been principal monies that we either

work through the money that comes through the tribes, or through the Surf Board.

And when we came through here not long ago and talked about our treaty rights at risk, we started out with a White House initiative 2 years ago this July, talks about, really, the condition of those same stocks that you are talking about, whether it be the Columbia River or up in our area, it is the fact that we are using those good dollars, and we are collaborating, but the habitat is being destroyed, or being given away at a faster pace than we can recover. So we wanted to stress the importance of the rights protection funds, Western Washington, Boldt, and then some of those sub-categories, like Pacific salmon. Ron Allen talking about the Pacific salmon treaty, our funds come through the BIA. That is a United States commitment to a treaty that our participation, our data, our science, comes through Interior. So, I mean, without it, you have a failed obligation to an international treaty.

And I wanted to make sure that I covered the funds that come through EPA, and that is a gap program, and the Puget Sound Arts and Geographic Program. Those, again, are my testimony.

But I guess I could not leave this table knowing that I have a little bit of the Congress's ear, that, when I listened to a briefing the other day, it really gets you to understand. Our brother from Duck Valley, who was on a prior panel, talked about his community, and the hardships they face. When I heard the message that comes from Pine Ridge in South Dakota, about 110 suicide attempts in 100 days, that broke my heart. But it was worse when a young man that is working on those issues talked to me in the hall from a youth commission here in D.C. that a four-year-old and a five-year-old boy and girl were amongst those 110 attempts. That just breaks my heart, and it tells you that there is a lot of disparity out there in the reservations, and there is a lot of work to do.

I guess my final comments are that we have really appreciated the help out of the committee to work with us, to get some of these funding elevated. We are really concerned about, whether it is the fiscal cliff, or sequestration, or the Budget Control Act, because so much of the good work that has been done can be really eroded quickly. And, when we look at our fiscal year 2014 process, and hear from, like, Federal agencies and other that we could be facing, by January 1, another eight point something percent, this would be catastrophic to us as natural resource managers, and for our tribes, as they work to keep their communities healthy and viable.

And the last part that I would say about, the opportunity to speak about these funding sources in collaboration with the citizens of Washington State is, our fishing industry generates millions, and millions, and millions, and millions of dollars. Out of Quinault alone I would say it is somewhere between 10 and 15 million, as you were characterizing earlier, where the fishermen were at the gear shops, were buying boats and motors, were a big lift in that economy. Thank you.

[The statement of Edward Johnstone follows:]

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**TESTIMONY OF EDWARD JOHNSTONE, TREASURER
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FISCAL YEAR 2014 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
ENVIRONMENTAL PROTECTION AGENCY
April 24, 2013**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the Fiscal Year (FY) 2014 Interior, Environment and Related agencies appropriations. My name is Edward Johnstone and I am the Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the 20 tribes that are party to the *United States vs. Washington*[1] *(U.S. vs. Washington)*. It is a privilege for me to be among our distinguished northwest tribal leaders who are also here to present their funding requests. To meet the many natural resources management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs and the Environmental Protection Agency.

SUMMARY OF FY14 APPROPRIATIONS REQUEST

Bureau of Indian Affairs

- Provide $17.146 million for Western Washington Fisheries Management
- Provide $3.082 million for Washington State Timber, Fish and Wildlife
- Provide $4.844 million for U.S./Canada Pacific Salmon Treaty Implementation
- Provide $2.4 million for Salmon Marking
- Provide $6.843 million for Fish Hatchery Maintenance
- Provide $2.6 million for Fish Hatchery Operations
- Provide $230.0 million for Contract Support
- Provide $10.0 million for Landscape Conservation
- Provide $725,000 for Watershed Restoration

Environmental Protection Agency

- Provide $96.375 million for General Assistance Program
- Provide $50.0 million for Puget Sound

TREATY RIGHTS AT RISK AND THE FEDERAL TRUST OBLIGATION

Last year we brought to your attention an initiative that we have been pursuing – our Treaty Rights at Risk (TRAR) initiative. The treaty rights of the western Washington treaty tribes are in imminent danger. Salmon are critical to the tribal cultures, traditions and their economies. The treaty-reserved right to harvest salmon continues to decline due to ongoing loss of habitat. All of

[1] *United States vs. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

this is due to the inability to restore salmon habitat faster than it is being destroyed. Wild salmon and their habitat continue to decline despite massive reductions in harvest and a significant investment in habitat restoration.

The federal government has a fiduciary responsibility and an obligation to protect these treaty-reserved natural resources. This obligation is met through policy and funding support that is provided to tribes to allow them to perform the necessary management responsibilities to protect these resources. Without this continued support the treaties will have no meaning as these natural resources disappear. The tribes' treaties are constitutionally-protected and have been confirmed by the federal courts, including the U.S. Supreme Court. As a signer to these treaties, the federal government has an ongoing, non-discretionary obligation to provide adequate funding to the tribes to allow them to protect and preserve these treaty rights.

On behalf of our 20 member tribes, I am here today to speak specifically to our FY14 natural resources management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this Subcommittee has given to us over the years. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the FY14 President's budget continues to be supportive of the northwest natural resources funding requests, which includes and builds on many of the Subcommittee's actions from the past few years. In addition to our specific requests described below, we also support the budget priorities and funding requests of the National Congress of American Indians.

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- **Provide $17.146 million for BIA Western Washington Fisheries Management**

Over the past several years, the tribes and the NWIFC have requested an increase of $12.0 million in the base Western Washington program. The increase in FY10 was very much appreciated, however, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. The President's FY14 budget contains $9.613 million. *We respectfully request $17.146 million.* Funding for this program allows for continued treaty harvest management, population assessment, habitat protection and data gathering for finfish, shellfish, groundfish, wildlife and other natural resource management needs. Funds provide the necessary capacity for the treaty tribes to co-manage the resources with the state of Washington and to meet court required mandates.

- **Provide $3.082 million for BIA Washington State Timber, Fish and Wildlife**

The Congressional increase to Rights Protection Implementation in FY10 of $12.0 million was allocated to all programs within this sub-activity including the Washington State Timber-Fish-Wildlife (TFW) program. The President's FY14 budget contains $3.082 million. *We support funding this account at $3.082 million.* Funding for this program is provided to improve forest practices on state and private lands while providing protection for fish, wildlife and water quality. This will provide the necessary funding to tribal TFW programs to fully participate in the TFW process.

- **Provide $4.844 million for BIA U.S./Canada Pacific Salmon Treaty Implementation**

The Pacific Salmon Treaty (PST) Act of 1985 charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the PST, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering programs. The President's FY14 budget contains $4.844 million. *We support funding this account at $4.844 million.* This will provide sufficient funding to ensure that the tribes can continue to participate effectively in the bi-lateral PST process.

- **Provide $2.4 million for BIA Salmon Marking**

Funding for this program was mandated in 2003 by Congress that required all salmon released from federally funded hatcheries be marked so they could be identified for conservation purposes. This allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington. The President's FY14 budget contains $1.171 million. *We respectfully request $2.4 million.* This amount is required to fully implement more extensive selective fisheries targeted at these marked fish. This request is also important in part because marking costs are increasing as tribal hatchery production continues to increase.

- **Provide $6.843 million for BIA Fish Hatchery Maintenance**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. The President's FY14 budget contains $6.843 million. *We support funding this account at $6.843 million.* Funding for this program is provided to tribes nationwide based on the ranking of annual maintenance project proposals. Today, hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act. A comprehensive needs assessment study was conducted in FY06 by the BIA at the request of Congress which identified a level of need of over $48.0 million in necessary hatchery maintenance and rehabilitation costs.

- **Provide $2.6 million in funding for BIA Fish Hatchery Operations**

Funding for this program is provided to tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries. The President's FY14 budget contains $1.85 million. *We respectfully request $2.6 million.* This increase reflects the needs of the western Washington treaty tribes. Hatcheries are necessary part of fisheries management because of the lack of wild salmon production due to habitat degradation. Without hatcheries tribes would have very few fisheries and their treaty rights would be rendered meaningless.

- **Provide $230.0 million for BIA Contract Support**

Funding for this function is provided to tribal organizations to ensure they have the capacity to manage federal programs under self-determination contracts and self-governance compacts. Historically Indirect Contract Support has been drastically underfunded, yet they are a critically funding source as they directly support our governmental functions, which allow us to fully exercise our right to self-govern. The President's FY14 budget contains $230.0 million. *We*

support funding this account at $230.0 million. Direct Contract Support is also an important piece of this funding.

- **Provide $10.0 million in funding for BIA Landscape Conservation**

Funding for this program will provide the tribal capacity needed to participate and provide input on climate change issues. The President's FY14 budget contains $10.0 million. *We support funding this request at $10.0 million, of which $2.0 million is respectfully requested for the western Washington treaty tribes.* This will allow tribes to provide their perspective on climate change adaptation in the form of traditional ecological knowledge necessary to protect their treaty rights.

- **Provide $725,000 in funding for BIA Watershed Restoration**

Funding for this program supports our Salmon and Steelhead Habitat Inventory and Assessment Program. The FY12 appropriations provided a total of $390,000 to western Washington treaty tribes. *We respectfully request $725,000 for the Northwest Indian Fisheries Commission.* This will allow us to continue to provide environmental data management, analysis, and reporting support to our member tribes. These services and functions would continue to support our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

Environmental Protection Agency

- **Provide $96.375 million for EPA General Assistance Program**

This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. The President's FY14 budget contains $72.631 million. *We respectfully request $96.375 million.* Funding for this program continues to provide the capacity for tribal environmental protection programs nationwide. This allows tribes to address their most fundamental needs such as inadequate drinking water and basic sanitation.

- **Provide $50.0 million for EPA Puget Sound**

The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound. Tribes will continue to seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. The President's FY14 budget contains $17.15 million. *We respectfully request $50.0 million.* Funding for this initiative allows tribes to participate in implementing the Puget Sound Action Agenda. Tribes also implement a wide range of projects aimed at improving the health of Puget Sound by 2020.

CONCLUSION

We know that it is difficult to allocate scarce federal funds at this time. However, we believe the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the federal government continues to be worthy of your support. Thank you.

Ms. HERRERA BEUTLER. Thank you. Thank you all for your testimony and for your time. I appreciate you making the schlep all the way over to this town to talk about the issues of importance. Honestly, not just for our tribal communities. This impacts all of us. It is interrelated, so I appreciate it, and we are going to take it under concern and advisement as we deliberate for 2014. I have to officially adjourn, so we are officially adjourned. Next hearing at one o'clock.

WEDNESDAY, APRIL 24, 2013.

AFTERNOON SESSION

Mr. COLE [presiding]. I will go ahead and start the committee meeting, so if the committee will come to order. Subcommittee Chairman Mike Simpson is unable to be here today so my name is Tom Cole. I represent Oklahoma's 4th District, and it is my honor to chair this afternoon's hearing. Chairman Simpson's opening statement is as follows:

Good afternoon and welcome to the second of four public witness hearings over these next 2 days specifically for American Indian and Alaskan Native programs under the jurisdiction of Interior, Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal leaders and elders testifying today and in the audience. You deserve to be heard more than 5 minutes that we have allotted today, and I want you to know that you have an open invitation to call on me and my staff so that we can schedule more time outside these hearings. And I would add parenthetically I think every member of the committee would echo that sentiment.

Despite a somewhat abbreviated hearing scheduled this year, I am proud that this Subcommittee is able to hold hearings on these important programs. They have been and will continue to be a bipartisan funding priority for this Subcommittee.

The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When you see the blinking red light, please stop. We are going to have votes this afternoon and that will interfere in the middle of the hearing, at which point we will have to stop the hearing and reconvene immediately after votes. So in the interest of everyone's time, let's all try to work together to keep things moving along as much as we can.

The chair also wants to remind those in the hearing room that the committee rules prohibit the use of outside video cameras and audio equipment during these hearings.

Now, I am happy to yield to my friend, Ms. McCollum, for any remarks she might wish to make and, I might add, my fellow chairman of the Native American Caucus.

Ms. MCCOLLUM. Thank you, Mr. Chair.

We look forward to your testimony, and because we do have votes coming up, I am going to let everybody get started and I agree with everything Mr. Cole said. Thank you so much for being here.

Mr. COLE. Chairman, I am going to turn to you. Chairman Don Young wanted to make a couple of introductions of people that I think are here. Or do you want to wait and do that later, Chairman?

Mr. YOUNG. Mr. Chairman, unfortunately, if they are not here, you know, you snooze, you lose in this business. I will mention their names here. And for the record I do appreciate your chairing this meeting today and this business of IHS and contract payments and the commitment by this Federal Government and this com-

mittee I think is very crucial to the American Indian, especially the tribes in the lower 48 and the State of Alaska on health is what I am interested in more than anything else. So I do appreciate your work and I thank you for letting me bring this forth today.

But I am going to go through—I do not know who is here and who is not here, but I will go through and then I have to go because I have to vote. We are voting on the Keystone pipeline going through the other states and they want my vote. I do not know why.

But anyway, we have Angie Gorn from the Norton Sound Health Corporation will be here today. That is Norton Sound. And then we have the Cook Inlet Tribal Counsel, Amy Fredeen. She is a chief financial officer and executive vice president of the Cook Inlet Tribe; Arctic Slope Native Association, Angela Cox serves as the vice president of administration of Arctic Slope Native Association; Tanana Chiefs Conference, Julie Roberts. I think she is here and she is the president—the vice president of Tanana Chiefs Conference.

And then the Chugach Regional Resources Commission, Patty Brown; and then we have Southcentral Foundation, Donna Galbreath, who serves as the medical director of quality assurance at Southcentral Foundation, a very successful organization; the Central Council's Tlingit Haida, Ed Thomas, he serves as the president of the Central Council Tlingit Haidas. And the Maniilaq Association, Ian Erlich, president and CEO of the Maniilaq Association; Copper River Native Association, Lorraine Jackson as the board chair of the Copper River Native Association; the Aleutian Pribilof Islands Association, Carolyn Crowder serves as the health director of the Aleutian Pribilof Islands Association; and of course Southeast Alaska Regional Health Consortium, Michael Douglas.

So Mr. Chairman, that sounds like 11 Alaskans that I would like to remind yourself and other members of this committee you take all the land east of the Mississippi from the tip of Maine to the tip of Florida, that is Alaska. And in that area you have a little over 285 Congressmen. So that is why we have so many native people from Alaska come and testify for this very important issue.

And with that, Mr. Chairman, I thank you for allowing me to introduce those people and listen to them very sincerely.

Mr. COLE. Well, does that mean it takes 285 of us to equal one of you?

Mr. YOUNG. Absolutely. Absolutely.

Mr. COLE. I kind of thought you might see it that way. So if you are one of the people named and you are under the protection and sponsorship of Mr. Young, then we are all suitably impressed and very afraid. So——

Mr. YOUNG. Thank you. Thank you.

Mr. COLE [continuing]. You will be treated very well by this committee.

Mr. YOUNG. Thank you, Mr. Chairman.

Mr. COLE. With that, if we could have our first panel come forward, Mr. Greene, chairman of the—is it Makah Tribal Council?

Mr. GREENE. Makah.

Mr. COLE. Makah, thank you. If I mispronounce, do not hesitate to correct.

Is it Derrell Seki, Treasurer of the Red Lake Tribal Council; Nathan Small, Chairman of the Shoshone-Bannock Tribes; John Sirois, Chairman of the Colville Business Council, Confederated Tribes of the Colville Reservation; and Angie Gorn, CEO of the Norton Sound Corporation.

Thank you for joining us. And we will start with Mr. Greene.

WEDNESDAY, APRIL 24, 2013.

MAKAH TRIBAL COUNCIL

WITNESS

T.J. GREENE

Mr. GREENE. Okay. Thank you for being here, distinguished congressional leaders. Give our regards to the chairman. We miss him today. But I want to thank you for your time here.

My name is T.J. Greene. I am the chairman for the Makah Tribal Council and want to thank you for this opportunity to present testimony on the views of the Makah Tribal Council on the fiscal year 2014 federal budget. I would like to testify today on for priority issues: assistance from the Federal Government for helping us clean up the Warmhouse Beach Open Dump site on our reservation, our efforts to secure federal grant funding for replacing our commercial fishing dock, our work in support of sustainable federal ocean policy, and true high-speed internet on the reservation.

First off, our Warmhouse Beach Open Dump, the Makah Tribe continues to take aggressive steps to address the serious environmental and health risks posed by the Warmhouse Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The dump is leaching harmful chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach. This is a traditional shell-fishing location for our people. Frequent fires at the dump have contributed to air pollution in the town of Neah Bay and the reservation community.

The fall of 2012 we opened a new solid waste transfer station in Neah Bay which enabled us to close the dump. Now, the challenge before us is to clean up the dump so stop polluting our waters.

As a result of a legacy of waste disposal on tribal land, the Federal Government bears substantial responsibility for cleaning up the dump and preventing further exposure of the reservation community to the environmental and health hazards caused by the dump.

The Makah tribe has taken action to secure federal assistance for cleaning up the dump through negotiations with the Defense Department. The tribe also pursued listing the dump through the federal Superfund program. We have waited many years and tried many avenues to clean up this dump. We would appreciate this subcommittee's support for our efforts.

Our next item is a commercial fishing dock. The Port of Neah Bay commercial fishing dock was constructed between 1947 and 1952. Its condition has now deteriorated so badly it has been closed

to semi truck traffic for 8 years. Structural surveys of the dock have led to the conclusion that the doctor needs to be completely replaced.

This commercial dock generated over 6 million in fish landings annually, which are shipped around the country and internationally. It is the only commercial dock in 100 miles of coastline. It supports about half the working-age population of Neah Bay and over 100 minority-owned enterprises. It supports the traditional maritime culture of the Makah Tribe. It also supports the ecosystem management and biological data collection efforts of the State of Washington, the National Marine Fisheries Service, and tribes to ensure sustainable fisheries of over 20 ground fish species, salmon species, halibut, and shellfish. The commercial dock also supports the oil spill response work performed by the Makah Tribe and our response partners.

The Makah Tribe has paid for a lot of preliminary work on the new commercial dock. We have also contributed $200,000 in matching funds for a grant we received from the EDA for design and environmental permitting for construction of the new dock. We have been working with many federal and state agencies to find funding that can help us with the construction costs for this dock replacement project, thus far without success. The Tribe is able to contribute a substantial amount towards construction, but we need the Federal Government's assistance in finalizing this important economic development initiative.

A third item is our National Ocean Policy. The Makah Tribe is proud of formal tribal Chairman Micah McCarty's service as the co-chair to the Governance Coordinating Committee, which is tasked by the National Ocean Council to assist in developing a National Ocean Policy. We are proud of our work on ensuring tribal consultation on federal maritime matters such as the recently completed Vessel Traffic Risk Assessment by George Washington University concerning the export of coal and Canadian oil sands through our treaty area and the signing of the Makah Tribe's/Coast Guard District 13 Interoperability and Coordination MOA to improve oil spill pollution prevention and response, among other task activities.

The Makah Tribe applauds the Obama Administration's release of the first U.S. National Ocean Policy, and we stand ready to engage in substantive and meaningful dialogue with the Federal Government on developing a coastal marine spatial plan for our shared waters and associated natural resources.

Lastly, true high-speed internet, over the last few years we have been working to obtain broadband to Neah Bay. Last year, our emphasis was to work with NOANET to facilitate the grant they received to get broadband to Neah Bay but the grant expired on January 1 of this year, and before we could secure microwave tower space in a nearby community, the tribe had secured tower space in Neah Bay and Lower Elwha, but the middle mile from Clallam Bay to Neah Bay remains an issue.

In the meantime, the tribe has taken the initiative to install a fiber backbone for the tribal government in anticipation that the broadband will be available in Neah Bay soon. We are requesting assistance with running fiber optic cable from Clallam Bay to Neah

Bay, which would complete the middle mile and allow the community in the tribal government to access true high-speed broadband service.

Thank you again for this opportunity, members of the subcommittee. And I want to say in my language [speaking native language]. Thank you.

[The statement of T.J. Greene follows:]

Testimony of Timothy J. Greene
Chairman, Makah Tribal Council
Neah Bay, Washington

April 24, 2013

Before the
House Appropriations Subcommittee on
Interior, Environment and Related Agencies
On the Fiscal Year 2014 Budget

Good afternoon, Mr. Chairman and Members of the Subcommittee, I am Timothy J. Greene, Chairman of the Makah Tribal Council. I want to thank you for this opportunity to present testimony on the views of the Makah Tribal Council on the FY 2014 federal budget.

I would like to testify today on four priority issues:

Assistance from the federal government for helping us clean up the Warmhouse beach open dump site on our Reservation;
Our efforts to secure federal grant funding for replacing our commercial fishing dock;
Our work in support of a sustainable federal ocean policy; and
True high speed internet service to our Reservation.

Warmhouse Beach Open Dump

The Makah Tribe continues to take aggressive steps to address the serious environmental and health risks posed by the Warmhouse Beach Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The Dump is leaching harmful chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach, a traditional shellfishing location for the Makah people. Frequent fires at the Dump have contributed to air pollution in the town of Neah Bay and the Reservation community.

In the fall of 2012, we opened a new solid waste transfer station in Neah Bay, which enabled us to close the Dump. This important step for the Tribe has been many years in the making. Now the challenge before us is to clean up the Dump so it will stop polluting our waters.

The Tribe has documented that the Makah Air Force Station, which supported radar operations at Bahokus Peak from World War II through 1988, disposed of many hazardous

substances at the Dump since its opening in the 1970's including asbestos, batteries, pesticides, paints and waste oil. For many years, other federal agencies with operations on the Reservation also disposed of their waste at the Dump. As a result of this legacy of waste disposal on tribal land, the federal government bears substantial responsibility for cleaning up the Dump and preventing further exposure of the Reservation community to the environmental and health hazards caused by the Dump.

The Makah Tribe has taken action to secure federal assistance for cleaning up the Dump through negotiations with the Defense Department. The Tribe has also pursued listing the Dump through the federal Superfund program. We have waited many years and tried many avenues to clean up this dump. We would appreciate this Subcommittee's support for our efforts.

Commercial Fishing Dock

The Port of Neah Bay Commercial Fishing Dock was constructed between 1947 and 1952. Its condition has now deteriorated so badly that it has been closed to semi-truck traffic for eight years. Structural surveys of the dock have led to the conclusion that the dock now needs to be completely replaced.

This commercial dock generates over $6 million in fish landings annually, which are shipped around the country and internationally. It is the only commercial dock in 100 miles of coastline. It supports about half of the working-age population of Neah Bay and over 100 minority-owned enterprises. It supports the traditional maritime culture of the Makah Tribe. It also supports the ecosystem management and biological data collection efforts of the State of Washington, the National Marine Fisheries Service (NMFS) and tribes to ensure sustainable fisheries of over 20 ground fish species, salmon species, halibut and shellfish. The commercial dock also supports the oil spill response work performed by the Makah Tribe and our response partners.

The Tribe has paid for a lot of the preliminary work on a new commercial dock. We have also contributed $200,000 in matching funds for a grant we received from the Economic Development Administration (EDA) for design and environmental permitting for construction of a new dock. With EDA's assistance, environmental studies and engineering are underway.

We have been working with many federal agencies, including the EDA, BIA, USDOT, the Office of Indian Energy and Economic Development, and state agencies, to find funding that can help us with the construction costs for this dock replacement project, thus far without success. We are looking at the possibility of New Market Tax Credits and bonding. The four applications to the USDOT TIGER program were all well received but did not make the final cut. The Tribe is able to contribute a substantial amount towards construction, but we need the federal government's assistance in finalizing this important economic development initiative.

National Ocean Policy

The Makah Tribe is proud of former Tribal Chairman Micah McCarty's service as a Co-chair to the Governance Coordinating Committee which is tasked by the National Ocean Council to assist in developing a National Ocean Policy. We view our continued involvement in the Governance Coordinating Council as essential to representing our treaty related interests in ocean policy and will request the replacement of Mr. McCarty with another Makah policy representative.

We are proud of our work as well on ensuring tribal consultation on federal maritime matters such as the recently completed Vessel Traffic Risk Assessment by George Washington University concerning the export of coal and Canadian Oil Sands through our treaty area and the signing of the Makah Tribe/Coast Guard District 13 Interoperability and Coordination MOA to improve oil spill pollution prevention and response among other task activities.

The Makah Tribe applauds the Obama Administration's release of the first U.S. National Ocean Policy. We await notification from the federal government on when the West Coast Regional Planning Body will be stood up. The Makah Tribe stands ready to engage in substantive and meaningful dialog with the federal government on developing a coastal marine spatial plan for our shared waters and associated natural resources. We need to develop a comprehensive plan for the future to ensure resilience of the ecosystem; the health, safety, and welfare of our community and infrastructure; and the continued sustainability of our fisheries.

Discussions are continuing on how we can best engage on these issues with the Department of Commerce, Department of the Interior, Bureau of Ocean Energy Management, Regulation and Enforcement, Offshore Energy Management, and the Environmental Protection Agency.

True High Speed Internet

Over the last few years we have been working on obtaining improved broadband to Neah Bay. Last year our emphasis was to work with NOANET to facilitate the grant they received to get broadband to Neah Bay but the grant expired on January 1, 2013 and before we could secure microwave tower space in Clallam Bay, WA. The Tribe has secured tower space in Neah Bay and Lower Elwha, but the middle mile from Clallam Bay and Neah Bay remains an issue.

In the meantime the Tribe has taken the initiative to install a fiber backbone for the Tribal government in anticipation that broadband will be available in Neah Bay soon.

Although it did not result in any additional broadband, we did place an order with Centurylink who is the sole internet provider in Neah Bay, for a 10.5 mg service for the Tribal government. However, we have received confirmation that they will not be able to provide this service to Neah Bay because Centurylink facilities are overloaded.

We are requesting assistance with support in pursuit of running fiber optic cable from Clallam Bay to Neah Bay which would complete the middle mile and allow the community and the tribal government access to true high speed broadband service.

Thank you again Mr. Chairman and Members of the Subcommittee for this opportunity to testify before you today.

Mr. COLE. Thank you.
Mr. Seki.

WEDNESDAY, APRIL 24, 2013.

RED LAKE TRIBAL COUNCIL

WITNESS

DARRELL SEKI, SR.

Mr. SEKI. Good afternoon, Chairman Cole. I thank you and other distinguished members of the committee for this opportunity. I want to acknowledge Congresswoman Betty McCollum from Minnesota. I am glad to see you here.

I want to highlight just a few of the most important issues facing the Red Lake Nation and Indian Country in fiscal year 2014. My written testimony provides a more detailed view on the President's fiscal year 2014 budget request for BIA, IHS, and EPA programs.

Funding for BIA has not kept pace with the rest of the Interior. We really do appreciate your actions to support Indian program funding in recent years, but we are very concerned that BIA and tribes have lagged behind the rest of the Interior in terms of funding. For instance, the President's fiscal year 2014 budget request includes an overall percentage increase of 5.1 percent for non-BIA Interior programs and only 1.24 percent for BIA and tribes and I do not think this is fair.

In addition, BIA and tribal employees make up 19 percent of the Interior workforce. Yet, of the total requested increase for Interior of $486.4 million in fiscal year 2014, BIA's share of the total increases only $31.3 million, which means the BIA share of Interior total requested increase is only 6.4 percent and I do not think that is fair.

To the extent that federal spending is driven by employees, the Indian parity share of the Interior budget increase should be at least $92.4 million, not the $31.3 million requested. And I think that would be fair. Based on the funding levels, the fiscal year 2013 full year Continuing Resolution over the last 10 years, the budget for the National Park Service has grown by 33 percent; the Fish and Wildlife Service by 19 percent; the U.S. Geological Survey by 14.5 percent; the Bureau of Land Management, 14 percent; and last and apparently the least, the BIA by only 10.5 percent. And I do not think that is fair.

In fiscal year 2012 BIA received the largest budget cut at Interior: $62 million. And that I do not think it is fair. These trends are alarming and I ask that you address them in 2014 by increasing the BIA's budget by at least $100 million over the fiscal year 2012 level. I think this would be fair.

I have placed on the table here are several graphics which illustrate what I have said today, but I ask that you please look at these. As the first Americans, I ask you to hold tribes harmless from the sequester. Now that the unthinkable has happened, tribes must suffer the terrible effects of the government's sequester along with other rescission. The effective rate of cuts is 5.21 percent in fiscal year 2013 and that rises about 9 percent in fiscal year 2014

and for the next 10 years. That is a BIA funding cut for Red Lake Nation of more than $1 million this year but if sequestration is allowed to continue in 2014, that will jump to $2 million. This will be nothing short of an economic disaster to our tribe in terms of public safety, human services, education, and natural resources.

In terms of BIA funding and tribal job losses, we estimate the number of job loss this year will be 365 nationwide and a 635 jobs next year. Red Lake's unemployment rate is more than 50 percent. We cannot afford to lose one single job.

The impacts of sequestration on health services are equally severe. It will result in reduced staff, fewer needed medical procedures for our people. Indian healthcare is already substandard. Tribes' core government service programs have experienced steep declines for many years. For instance, all tribes, tribal priority allocation accounts, which form the core government services, were permanently cut by 16 percent back in 1996. These same programs were permanently cut an additional 10 percent from fiscal year 2002 to fiscal year 2008 due to more rescissions and other rescissions. Tribes now face an additional 9 percent cut from the sequester. This means tribes' critical government service program must operate today with 35 percent less actual dollars than in 1995.

On top of all of this, the only addition to tribes' core service programs in 18 years has been pay costs, but for the last 12 years, pay costs have only been partially funded, usually at 50 percent or less.

The President's budget proposes an alternative to sequestration. There is nothing more important to Red Lake Nation than reversing the sequester's devastating impacts. For this reason, we support the President's proposal. Some of you may not support this budget, but I know most of you are sensitive to the plight that tribes face. It is imperative that you understand that the indiscriminate cuts of the sequester on top of all the previous cuts to our core service programs will result in irreparable damage to tribes. I asked that you enact the Interior budget this year to consider what I have said and reverse the sequester on tribes in fiscal year 2014.

And in conclusion, I ask that tribal funding be made mandatory, not discretionary, because we are the first Americans. We have treaties. Our ancestors agreed to the United States Government that has a trust obligation to Indian tribes.

And I want to thank all the committee members here for giving me this opportunity to hear testimony. [Speaking native language.]

TESTIMONY OF THE HONORABLE DARRELL SEKI SR
TREASURER, RED LAKE BAND OF CHIPPEWA INDIANS

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2014 BIA, IHS, and EPA Budgets, April 24, 2013

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. On behalf of the people of Red Lake, who reside on our reservation in northern Minnesota, we respectfully submit that the budget appropriation process represents for us the major avenue through which the United States government fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests $5.8 million in additional FY 2014 funding from the Department of Interior for Red Lake's programs.

Red Lake is a fairly large tribe with 11,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has it been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States.

At the same time, due in part to our remote location, we have few jobs available on our reservation. While the unemployment rate in Minnesota is 5.5%, ours remains at an outrageously high level of more than 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities.

Sequestration

Although this testimony concerns FY 2014, we must comment on the FY 2013 sequestration of discretionary programs. The sequester reductions to tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and considered the "supreme law of the land." The ongoing contribution of tribal nations to the US economy is the land on which this nation is built. In exchange for land, the United States agreed to protect tribal treaty rights, lands, and resources, including provision of services for American Indian and Alaska Native tribes, which is known as the federal Indian trust responsibility. Indiscriminate cuts sacrifice not only the trust obligations, but it thwarts tribes' ability to promote economic growth or plan for the future of Native children and coming generations.

The 2013 sequester and expected reductions due to the Budget Control Act caps will hurt law enforcement, education, health care and other tribal services, which have been historically underfunded and have failed to meet the needs of tribal citizens. It will also mean the loss of critical tribal jobs, 365 jobs in FY 2013, and if continued in FY 2014, 630 tribal jobs. At Red Lake, it will mean an estimated 22 jobs lost, with that number rising to 39 jobs next year.

FY 2014 Interior Budget Overview

We appreciate your actions to support Indian program funding in recent years, but we are very concerned that BIA and tribes have unacceptably lagged behind the rest of Interior in terms of funding. For instance, the President's FY 2014 budget includes an overall percentage increase of 5.1% for non-BIA Interior programs, but only a 1.24% increase for BIA. This is not fair. In addition, BIA and tribal employees make up 19% of Interior's workforce. Yet, of the total requested increase for Interior of $486.4 million in FY 2014, BIA's share of that total increase is only $31.3 million (6.4%). To the extent that Federal spending is driven by employees, the Indian parity share of the Interior budget increase should be at least $92.4 million, not the $31.3 million requested. Additionally, over the last 10 fiscal years the budget for the NPS has grown by

33%; FWS by 19%; USGS by 14.5%; BLM by 14%; and last and apparently least, the BIA by a demeaning 10.5%. In FY 2012, BIA received the largest budget cut at Interior - $62 million. These trends are alarming, and we ask that you address them in 2014 by increasing the BIA's budget by at least 20% over the FY 2010 level.

Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))

Tribal governments have suffered terrible cuts in federal funding for their critical core governmental services in the last 18 years. These services, including law enforcement, fire protection, courts, human services, education, road maintenance, and resource protection affect the everyday lives of people in Indian communities. These cuts have caused a crisis in many tribal communities. Below is a partial list of the TPA budget cuts tribes have suffered:

1996 TPA Cut:	16%
2002-2008 TPA Cuts:	10%
2013/2014 TPA Sequester Cut (projected):	9%
Total TPA Cuts since 1996:	**>35%**

Tribes have lost ground more than any other Interior-funded agency for reasons including: The crippling, nearly $100 million TPA cut in FY 1996; For the last 18 years, with the exception of law enforcement, tribes' core base programs were either flat-funded or further reduced; In just the last 10 years, tribes' base programs were subject to further cuts of about 10% from a multitude of permanent, across-the-board and targeted rescissions to fund everything from federal deficit reduction, tax cuts, the war in Iraq, and even to build up the BIA's Information Technology bureaucracy; and, during the last 10 years, pay costs were only partially funded.

As a result of the above, tribes' core service funding is far less, in real terms, than 15 years Ago. Our ability to provide minimal public safety, security, and well-being for people who already struggle to survive under some of the worst living standards in America has been undermined. It may be the case that some federal agencies can absorb all of these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Let me provide an example of how real the funding crisis for basic services is at Red Lake. Below is a table showing BIA base funding versus actual expenditures for just three of our critical service programs, Community Fire Protection, Tribal Courts, and Law Enforcement.

Red Lake Program	CY 2012 Actual BIA Base Budget	CY 2012 Actual Expenditures	CY 2012 Actual Shortfall*
Fire Protection	$42,500	$439,473	**($396,973)**
Tribal Courts	$384,669	$805,150	**($420,481)**
Law Enforcement	$2,362,257	$3,599,584	**($1,237,327)**
Totals	$2,789,426	$4,844,207	**($2,054,781)**

* The actual shortfall, $2,054,781 for just these three programs, represents 20% of the Tribe's entire self governance base funding, most of which had to be taken from other Tribal programs, sharply reducing services provided by those programs.

Fully Fund Pay Costs and Fixed Costs in FY 2014 and Beyond

For most of the last decade, Pay Costs were only partially funded. This, coupled with the many across-the-board rescissions over the same period, has resulted in virtually every tribal government core service program being funded at a lower level today than 18 years ago. Pay Costs represent the only increase these programs receive. *When Pay Costs are not fully funded, tribal programs have no choice but to cut jobs.* From FY 2001 to the present, the Department of

Interior, including BIA and tribes, have collectively lost more than $700 million through the absorption of Pay Costs and other Fixed Costs, and along with it, literally thousands of jobs. For Indian Country, this has meant the loss of an estimated 1,000 full time jobs. The President's FY 2014 budget includes a truncated $16.1 million for Fixed Costs, including Pay Costs. We ask that you support this, and we also ask that you, as in past years, express your concerns to the Administration that Pay Costs must be fully funded in all future budget requests. Finally, the failure to fully fund Pay Costs since FY 2001 has resulted in a permanent annual loss of $2 million for Red Lake. We ask for a permanent restoration of $2 million in FY 2014, to partially offset the losses in Pay Costs that Red Lake has unfairly suffered.

Contract Support Costs (CSC)

In FY 2014, an increase in CSC of $9.8 million is requested, and we thank you for the very significant increases which you provided in FY 2011-2012. We oppose the Administration's FY 2014 proposal to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of CSC. Funding for CSC is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements. No change should be implemented until there has been a thorough consultation and study process jointly undertaken by the IHS, BIA, and tribal leaders. Such a consultation process must be scheduled to permit opportunity for full tribal participation. While we believe that overall statutory caps on CSC should be eliminated, at the very least Congress should maintain in FY 2014-15 existing statutory language enacted in FY 2013 so that tribally-developed changes in CSC funding mechanisms, if any, can be included in the FY 2016 Budget.

BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection

From FY 2005 – 2012, funding for BIA Law Enforcement rose by 79%, from $180 to $322 million. We previously reported to you that BIA did not allocate most of those increases in a fair manner – BIA operations received the most and tribes received the least. The BIA recently took steps to more equitably allocate law enforcement dollars. Red Lake is so desperately under funded by the BIA for our public safety programs, that each year we must take nearly 20% of our entire Self Governance base budget just to pay the previous year's public safety shortfalls. We ask that you support the President's FY 2014 requested increases of $5.5 million for law enforcement positions, and $13.4 million for recently constructed detention facilities. Red Lake has a DOJ-built juvenile detention facility that has sat vacant since 2005 because BIA has not provided the funding to operate it. We ask that $1.8 million of the $13.4 million requested be allocated to Red Lake to operate the facility. We further ask for a specific earmark for Red Lake in the amount of $1.5 million in FY 2014, to bring us up to minimum BIA Law Enforcement safety standards. We also ask that the $.5 million requested for conservation law enforcement officers be increased to $5 million. These funds are critically needed by tribes.

The President's FY 2014 budget includes an increase of $1 million for Tribal Courts. This is much too low. In the last 10 years, funding for Tribal Courts has increased less than half that of Law Enforcement. At Red Lake, we must spend more than twice the amount received from the BIA just to get by in a severely under staffed condition. We ask that you provide an additional $20 million for TPA Tribal Courts in FY 2014.

Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our reservation and protecting peoples' lives, *on a yearly BIA-funded budget of $42,500.* I cited earlier, the huge disparity between BIA funding and actual expenditures for Fire Protection at Red Lake. We ask for a specific provision for Red Lake in FY 2014 of $500,000.

Housing Improvement Program (HIP)

In recent years, funding for the BIA's HIP program was cut from $19 million to $12.6 million. Housing is one of the most basic needs of every American. Past funding for HIP has

been terribly inadequate. The President's FY 2014 budget proposes elimination of HIP. In recent years, our Tribe has been able to build 8 new HIP homes for the poorest elderly and disabled members, who were otherwise ineligible for other assistance from agencies such as HUD. The HIP program should be restored in FY 2014 to $19 million.

Trust Natural Resources

The President's FY 2014 budget includes a much needed $32 million increase for Trust Natural Resources, including improved science and technical support. The $9.8 million for Cooperative Landscape Conservation is particularly needed, as to date, tribes have been effectively shut out of Interior spending in this category. Other increases for Forestry, Endangered Species, Invasive Species, Wildlife and Parks, and Water Resources are critical to our ability manage tribal lands, and we ask for your support of these increases.

The FY 2014 budget request included an increase of $2 million for the Tribal Management/Development (TMD) program. This includes a needed increase of $200,000 for the Interior Partners in Conservation Award-winning Circle of Flight program. However, the BIA erred in its budget justification for TMD, by excluding the 8 self governance tribes with TMD programs, including Red Lake. It is imperative that you include language directing that any increase in the TMD program shall include the self governance tribes with TMD programs.

Indian Health Service (IHS)

The FY 2014 request for the IHS is $4.43 billion in discretionary budget authority, an increase of $124 million over FY 2012. There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for medical and general inflation, population growth, pay costs, and contract support for new and expanded programs surpass the requested increase. We ask that you provide an increase of at least $250 million in FY 2014, which would only offset the effects of the 2013 sequester.

We appreciate the $74 million increase in contract support costs (CSC) you provided in FY 2012. The President's FY 2014 budget request includes a total of $477 million for CSC, an increase of $6 million over FY 2012. As mentioned in the CSC section of this testimony earlier, we oppose the Administration's FY 2014 proposal to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of CSC.

EPA Programs

Water, wetlands, and the fish and wildlife which rely on them are precious to us. Red Lake is home to the 6th largest natural, freshwater lake in the United States and it is truly a national treasure. Vital to our efforts to protect the environment at Red Lake are the Indian General Assistance program (GAP), Section 106 Pollution Control, and Clean Air Act grants. We ask that you provide the $72.6 million for GAP requested by the President in FY 2014. This program forms the basis of tribal environmental management capabilities, but existing funds do not meet needs. Under Section 106, tribes' funding levels have decreased sharply. At Red Lake we've seen a reduction of $60,000 or 14% since FY 2003. The reason is, each year more tribes become eligible for and receive this funding but the allocation formula stays the same, so fewer dollars go to tribes to carry out water pollution control programs. We ask that in FY 2014, you direct that at least 20% of Section 106 funds go to tribes, as well as support the $20 million requested increase. Red Lake has stretched EPA dollars to carry out functions under EPA delegated programs. Increases for tribal grants under EPA delegated programs are needed for tribes to perform just a fraction of the functions that States have been enabled to perform.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2014, and for your consideration of these needs.

Mr. COLE. Thank you very much.
Chairman Small.

WEDNESDAY, APRIL 24, 2013.

SHOSHONE-BANNOCK TRIBES

WITNESS

NATHAN SMALL

Mr. SMALL. Good afternoon, Congressman Cole and other members of the committee. Thank you for this opportunity to testify.

My name is Nathan Small. I am chairman of the Fort Hall Business Council of the Shoshone-Bannock Tribes on the Fort Hall Reservation in Idaho. Our reservation is about 544,000 acres and we have about 5,300 tribal members. And we would like at this time to thank Congressman Simpson for his friendship and commitment to the Shoshone-Bannock Tribes if somebody can relay that for us.

My testimony will focus on the following priorities: first is healthcare. We thank the Committee for providing funding increases for IHS, improved healthcare service for Indians. The Administration's fiscal year 2014 budget requests an increase for IHS. Given fiscal pressures, we appreciate this. However, from our perspective, this increase is just a starting point from which to go up. With rising costs and a large number of healthcare needs, we face dwindling dollars to provide healthcare. We request that the Committee consider additional increases so that we can actually provide preventive and primary healthcare in addition to emergency healthcare.

Second is the contract support costs. The Administration's fiscal year 2014 budget proposes individual statutory tribal caps on contract support costs payments. This would be a complete overhaul of the current system. And the Administration did not consult with us on this, which is in violation of the consultation policy. We request consultation with IHS and BIA prior to any more changes to contract support costs.

Third, our 6th grade at our tribal high school is a tribally controlled BIE school. Three years ago we added a 6th grade program to the high school. The sole elementary school on the reservation, a public school, ends at the 5th grade and our high school starts at the 7th grade. This leaves a big gap in our 6th grade where our children had to go to different schools in different counties for a year and then come back to the reservation. This created inconsistencies and academic achievement. In the past, the Interior Appropriation bills have placed moratoriums on BIE grade expansion. We request language in the Interior Appropriations bill that would allow our 6th grade to be funded by the BIE.

Fourth, our juvenile education and mental health. After decades of seeing if the Federal Government or the State of Idaho, as Public Law 280 states, could assist in replacing our condemned law enforcement buildings. We took out a $16 million loan to build a new justice center 3 years ago to house all of our public safety services. This center is state-of-the-art. The center also contains our juvenile detention facilities.

For our juvenile facility, we seek to provide educational and mental health services to juveniles in our custody. The detention center is often their final opportunity at rehabilitation. Unfortunately, under the fiscal year 2014 budget, it requests zero funding for juvenile education and BIA refuses to let us use our correction dollars for their education. Further, the Department of Education refuses to provide educational funding for juveniles at BIA facilities. For fiscal year 2014 we request funding for juvenile education and that the Department of Education be directed to address this need.

We also respectfully make three requests to help stretch existing dollars. First, we seek the designation of our juvenile facility as a regional facility. Other tribes have expressed interest in sending their juveniles to our facility. Second, we seek authorization to use detention funding for educational and health services for the juveniles. Third, we seek authorization to use IHS funding to address the healthcare needs of our juveniles in our facility.

Fifth, we have Superfund sites within our boundaries of our reservation, and we would ask for support to clean up the Eastern Michaud Flats Superfund sites located on the reservation due to the phosphate mining. The hazardous waste from this mining is stored in unlined holding ponds causing serious contamination. This contamination has affected our sacred hunting grounds. EPA just wants to cover it up at the tribes and the people of southeastern Idaho would like to see it cleaned up instead. We request that EPA at least allow a pilot treatment study to see if the hazardous waste can be treated more safely removed.

Last, the BIA road maintenance. The last thing we request funding to address the growing BIA deferred road maintenance needs. Funding for this has been wholly inadequate leading to high levels of fatalities and serious injuries, which is unacceptable.

And in conclusion, as you can see, our priorities are focused on critical basic needs under the 1868 Treaty of Fort Bridger. The U.S. promised it would provide these basic needs, which it has not done.

We know that this country is now facing tough economic times and that you are fighting extra hard to protect those essential Indian programs. For this, we deeply thank you.

I will leave some pictures of Fort Hall and some of the issues I just talked about. And if you have any questions, please ask Congressman Simpson.

[The statement of Nathan Small follows:]

Nathan Small, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior Appropriations and Related Agencies Subcommittee (4/24/2013)

The Shoshone-Bannock Tribes (Tribes) deeply appreciate the Committee's commitment to Indian country and its tremendous efforts to ensure that there is sufficient funding for critical programs and services at the BIA and IHS. We especially thank our Congressman, Rep. Mike Simpson, for being our champion in Congress but also Indian country's champion.

My name is Nathan Small. I serve as Chairman of the Ft. Hall Business Council, the governing body of the Shoshone-Bannock Tribes on the Ft. Hall Indian Reservation in southeastern Idaho. My testimony focuses on the following priorities: (1) our IHS health care needs; (2) opposition to the Administration's proposed changes for BIA and IHS contract support cost payments; (3) need to allow BIE funds to be used for our 6th grade at the Shoshone-Bannock Jr./Sr. High School (School); (4) designation of our BIA-funded juvenile detention center as a regional juvenile detention center and funding from BIA and IHS for educational and mental health care services for juveniles; (5) clean up of EPA Superfund sites on the Reservation; and (6) funding increase for BIA road maintenance.

Health Care Needs of the Shoshone-Bannock People

We thank the Committee for working to reduce the health disparities between Indians and the general population by increasing funding for IHS from 2000-2012 from $2.4 billion to nearly $4.4 billion prior to sequestration. As Chairman Simpson expressed at the Committee's March 19th hearing on Indian health, we too worry about the impacts on Indian health care in this constrained fiscal environment given that, even with the increases over the past 12 years, urgent health care needs of Indians are still unmet due to past severe chronic underfunding. Sequestration of 5.1% and a rescission of .189% will harm our ability to retain health professionals and force us to reduce health care services to our community.

We are relieved that the Administration's FY14 budget requests an increase of $124 million over FY12 enacted levels for IHS. Given fiscal pressures, this increase is significant. However, from our perspective, the Administration's FY14 request is a starting point. Given rising costs, stringent requirements, and the avalanche of health care needs, we face dwindling dollars to provide health care. Today, the Ft. Hall Indian Health Clinic (Clinic) is expected to fund 54% of personnel and operating costs through 3rd party sources. Current federal funding to our Tribal Health and Human Service Department only covers 75% of need. Part of the shortfall is due to the fact that federal funding levels are based on the service unit population even though many people outside the service unit utilize the programs. Last fiscal year (Oct. 1-Sept. 30, 2012), 6,292 patients (3,699 Shoshone-Bannock) made 78,549 visits (53,317 Shoshone-Bannock) to the Clinic. ***We request that the Subcommittee consider additional increases to support and expand health care services to address unmet health needs so that we can actually provide preventive and primary health care services in addition to emergency health care.***

Oppose Administration's Proposed Individual Statutory Caps on Contract Support Costs

In its FY14 budget request, the Administration proposes implementing individual statutory tribal caps on contract support cost payments (CSC). CSC is essential to us in paying for indirect costs incurred in operating programs for which we have contracted with the IHS and BIA. This

proposal would be a complete overhaul of the current system. Rather than an aggregate funding arrangement for CSC, the President recommends that the government enter into individual contracts with each tribe for the CSC that each tribe will receive. Neither IHS nor BIA have consulted with us before proposing this drastic change despite its obligation under Executive Order 13175 confirmed by the President's Memo to federal agencies dated November 5, 2009, on implementation of Executive Order 13175. ***We request meaningful government-to-governmental consultation with IHS and BIA prior to any changes to CSC and that the Subcommittee hold oversight hearings on CSC.***

Need for BIE Funds for 6th Grade at Shoshone-Bannock Jr./Sr. High School

The stated mission of the School is to educate Native American students in their heritage, their rights and responsibilities, and to prepare them for a lifetime of learning and achievement. The vision of the School is to inspire our people "to travel through the circle of life productively and proudly, with respect and humility, in light of the blessings that the Creator has given to all Native people." Strengthening Shoshone-Bannock culture is important to our people. In spite of past federal policies that outlawed the practice of Native religion and culture, the Shoshone-Bannock culture remains strong. We have made it a priority to ensure that our children know their history and know themselves. The School is vital to meeting these goals.

The majority of Shoshone-Bannock children attend school for K-5th grade at the sole school on the Reservation -- a public school -- providing these grade levels. Many students then transfer out of the public school system to attend the School for which the BIE currently provides funding for grades 7-12. However, for years, our children had to attend an off-reservation 6th grade in other schools for one year prior to returning to the Reservation to attend grades 7-12 due to the lack of a 6th grade. This inconsistency in academic programming on the Reservation resulted in widespread variation in student academic achievement.

To address this critical gap in consecutive grade levels, the Fort Hall Business Council approved the addition of a 6th grade program to the School in 2011 to improve student academic performance. Offering a sixth grade program will prevent students from having to catch up in their first semester as 7th graders and will increase graduation rates.

However, due to an existing moratorium on grade expansion in past Interior appropriations legislation, including the FY12 Omnibus Appropriations Act, the School has been prohibited from using BIE funds for its 6th grade. As a result, the tribal government has had to cover 100% of these funds. The federal government through the BIE should be paying for the costs to operate the 6th grade at the School. ***We urge the Subcommittee to include language in the FY14 Interior Appropriations bill to allow the use of BIE funds for the Shoshone-Bannock Jr./Sr. High School's 6th grade.***

For our remaining BIE/BIA priorities for education, we request that the Committee refer to our written testimony dated 2/27/13 submitted for the Committee's oversight hearing on Indian education for a more complete discussion of the Tribes' educational priorities on the need for a new dorm for homeless students attending the school and the need to increase funding for the BIE Indian Student Equalization Program and the BIE Student Transportation Program.

Needs of Shoshone-Bannock Tribes' Juvenile Detention Program

The Fort Hall Reservation faces many of the public safety challenges common to Indian country. Public Law 83-280 adds to these challenges. The State of Idaho has neglected the responsibilities for juvenile delinquency matters that it assumed, without tribal consent, under Public Law 280, leaving the needs of troubled youth on our Reservation unaddressed for far too long. Faced with dilapidated public safety facilities and after many years of unsuccessfully seeking federal and state funding assistance, we took out a loan to construct a state-of-the-art Tribal Justice Center to house all of our law enforcement services. The Center has been operational for nearly three years and has allowed us to provide dramatically improved law enforcement services.

Request for Designation by BIA as Regional Juvenile Detention Center

We designed our Justice Center so that our juvenile detention center could serve as a leading model for a regional center concept. The juvenile detention center has sufficient bed space, and we have the support from nearby tribes – including the Goshute and Blackfeet Tribes – to house juvenile offenders adjudicated in their court systems. Also, Fort Duchesne and Fort Washakie have approached us about their interest in utilizing our juvenile facility for their juveniles.

The concept for a regional approach was supported in the Interior Department's June 2008 study titled "Master Plan for Justice Services in Indian Country." The authors of the Master Plan concluded that a regional corrections approach should be part of a comprehensive plan to address Indian country detention. ***We ask the Subcommittee to direct the Administration to designate and foster the development of the Shoshone-Bannock Juvenile Center as a regional juvenile detention facility.***

Need for Educational, Mental Health, and Rehabilitation Services for Juveniles

Our goal is to rehabilitate our juvenile detainees. A juvenile's placement in a detention facility is often a last opportunity at rehabilitation to prevent youth from becoming career criminals. We seek to develop educational, behavioral health, and other programs to help our juveniles turn their lives around. Our juvenile detention center incorporates space for treatment and education components. However, funding for these essential services is non-existent. We are seeing a 33% increase in youth crime since our juvenile detention facility opened, primarily stemming from gang-related activities. 75% of our juveniles are repeat offenders.

The BIA used to provide funding for juvenile education under a program called Juvenile Detention Education; however, BIA juvenile education funding was a mere $619,000 in FY11 for all juvenile detention centers in the BIA detention system and then was zeroed out in FY12 and FY13. For FY14, the Administration again does not request any funding for juvenile education. There are 24 BIA-funded detention facilities across the country and there is no other federal program that assists our juveniles. The Department of Education has consistently rejected requests by the BIA for education funding for juveniles in BIA-funded corrections facilities even though the Department of Ed provides funding for juveniles in non-BIA facilities. ***We urge the Committee to fund juvenile education at BIA-funded detention facilities and to meet 100% of need. We also urge the inclusion of report language that directs the Department of Ed and BIA to work together to provide educational services to juveniles and other at-risk youth in BIA-funded facilities.***

In addition to critical funding needs for juvenile education, we also are in dire need of funding for juvenile mental health and substance abuse services. Juvenile detention must include these programs to provide a chance at rehabilitation. In past years, the BIA has denied requests from the Tribes to use BIA corrections funding to provide education, health, and mental health services to our juvenile population. There is no statutory barrier to using corrections funds for this reasonable purpose. Instead, the BIA is making an administrative decision that we believe is now overruled by Congress through enactment of the TLOA. ***We ask the Subcommittee to provide report language allowing tribes to use BIA corrections funding for education, health, and mental health services to youth in custody at tribally operated detention centers. We also ask that the Committee direct the BIA, BIE and IHS to meet their statutory obligation to work with the Shoshone-Bannock Tribes to provide these essential services to juveniles.***

EPA Support to Clean Up Eastern Michaud Flats Superfund Site on Ft. Hall Reservation

For more than 50 years, the health, environment, and safety of our residents have been subjected to hazardous pollution caused by the FMC Corporation, which began phosphate mining operations on and near our Reservation lands in 1940. For decades, hazardous waste from the operation was stored or disposed of in unlined holding ponds with unknown damage and contamination done to the earth and ground water. In the late 1980s, the EPA detected arsenic, cadmium, and selenium in monitoring wells at the plant. In 1990, the EPA listed the FMC site on the National Priority List as the Eastern Michaud Flats Superfund Site. FMC lined the ponds that held the hazardous waste, but it severely mismanaged the ponds, which caught fire on a number of occasions. FMC shut down operations in 2001 and dismantled the then-existing treatment system. The extent of the contamination is significant and longstanding. Decades of poison continue to pollute the air and seep into the groundwater west of Pocatello. Thousands of mammals and birds that have come into contact with the site have died. The site has also affected the Bottoms area, our sacred hunting grounds. The contamination of our groundwater remains a significant concern. All of this leads to the obvious concerns for the health of our people. ***We respectfully request that the Committee urge the EPA to require actual clean up of Eastern Michaud Flats, instead of just covering it up, which is what the EPA has proposed, or allow for a pilot treatment study to see if the hazardous waste can be treated or safely removed.***

Need for Funding Increase for BIA Road Maintenance

Funding for the BIA Road Maintenance Program (Program) has remained stagnant for the last 30 years. As tribes construct roads and bridges on our reservations with Indian Reservation Roads Program "tribal shares," these facilities are not enjoying their full useful life of 20+ years due to inadequate routine and preventive maintenance. This lack of funding is also a public safety issue that contributes to the unacceptable levels of highway fatalities and serious injuries among Native Americans, well above the national average. In 1992, Congress made a one-time appropriation of $41 million for the BIA Road Maintenance Program for the purchase of new equipment to replace antiquated equipment that tribes and BIA Regions were using for routine and emergency road maintenance needs. Funding for the program the following year then dropped $14 million to $27 million, where it has essentially remained for the last two decades. ***If there cannot be a sustained funding increase, then we request at least a one-time appropriation of $50 million for the purchase of heavy equipment and supplies, materials and fuel to address the growing deferred road maintenance needs throughout Indian country.***

Mr. COLE. Well, I will note for the record, Chairman Small, that there is a particularly handsome photo of the Congressman amongst these pictures into his hard hat. So it immediately attracted my attention.

If we could just let me interrupt for one second for a quick announcement. As those of you in subsequent panels, if you have handouts, if you could bring them to us first, we will get them distributed so that people can view them in a timely fashion.

And with that, Mr. Sirois, we will go to you next.

WEDNESDAY, APRIL 24, 2013.

COLVILLE BUSINESS COUNCIL, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

JOHN SIROIS

Mr. SIROIS. [Speaking native language.] On behalf of the Confederated Tribes of the Colville Indian Reservation, I sincerely thank you and appreciate the opportunity to testify today.

[Speaking native language.] My name is John Sirois. I am the tribal chairman of the Colville Business Council. The Colville Indian Reservation is located in north-central Washington, and it is slightly larger than the State of Delaware. We have about 2/3 of our reservation is covered in timber, and timber sales and forest products have been traditionally our primary source of revenue and economic development to fund our tribal governmental programs. About half of our 9,500 tribal members live on or near the reservation.

Certainly, you know, I echo a lot of the comments that our tribal leaders have spoken about today. Certainly, with the downturn in the timber market, jobs is a real problem for us as well.

I am here today though to discuss three recommendations for you all to consider as you draft your fiscal year 2014 spending bill. First, the Small Ambulatory Facilities Grant Program. As the Subcommittee is aware, you know, healthcare facilities in Indian Country is a crisis, and it has been that way for a long time. This Small Ambulatory Grant Program is one of the Indian Health Service's programs that provide for facilities construction. Under this grant program, the successful applicants in IHS, IHS will pay for the construction costs of the facility and the tribe is responsible for all of the staffing needs. The fiscal year 2014 request does not include funding for this or other IHS facility construction programs. We see that as a problem.

The Colville Tribes has an ongoing issue with the lack of staffing capacity in its existing IHS facilities. Despite dedicating significant travel resources of our own to update our clinics, the Indian Health Service does not provide commensurate increases in staffing. Without sufficient staffing, these facilities cannot treat patients to its full capacity. Many Indian tribes are in the same position.

The reauthorization of the Indian Health Care Improvement Act provides new opportunities for tribes to generate additional revenue through third-party reimbursements. With a short-term infu-

sion of funds through these third-party reimbursements, tribes would be in a position to make these reimbursements and making their staff self-sustaining. This would provide opportunities for tribes like the Colville Tribes that have staffing shortages to generate additional revenue from existing facilities to hire new staff.

The fiscal year 2014 request does not contain any funding for a Small Ambulatory program this year. However, we recommend at least 50 million for the Small Ambulatory Grant program and allow for short-term staffing packages as an eligible grant activity. Our written testimony will go into further detail on this.

Secondly, this is one of the things that we talked about in our consultation in Seattle within the Cobell buyback program. We would like to push for legislation that allows the Department of Interior to invest the $1.9 billion already appropriated for the buyback program. You know, as a part of this Cobell settlement, the Claims Resolution Act of 2010 appropriated $1.9 billion for the voluntary buyback and consolidation of fractionated land interest by the Department of Interior. The intent of this program is to require many of these small fractionated interests from willing Indian sellers as possible to reduce the burden and expense on the Department of Interior managing all of these fractionated interests. And this would also help prevent future Cobell cases going forward. Under the terms of the settlement, any unspent amounts of that $1.9 billion will revert to the U.S. Treasury within 10 years.

There has been tremendous interest across Indian Country in the buyback program since the Department of Interior unveiled its plan earlier this year. The Department of Interior has identified 40 Indian tribes that would initially be able to participate in the program, and many more not on that list have also expressed a lot of interest in participating as well. Somewhat surprisingly, the Claims Resolution Act did not include any language that allows the Department of Interior to invest that $1.9 billion and retain the earnings for the buyback program. It only makes sense to maximize the amount of funds available to purchase fractionated interests by allowing the Department of Interior to invest these funds and retain the supplemental earned amounts for the buyback program.

Because the 10-year clock is already begun ticking on that $1.9 billion principal to be spent, every fiscal year that goes by without this money being invested represents money and opportunity lost. Just for a quick example within our tribe, we still have a land sale that is not finished and was started in 1998. So there is a huge problem within that buyback system that we really need to fix and maximizing the opportunity to use those funds is really important. We encourage the Subcommittee to consider including language that allows the Department of Interior to maximize these funds by investing them. Our written testimony will also include more information on that.

Finally, the third thing is about law enforcement. You know, for many reservations there is a constant need for additional funding for the criminal investigations and police services account within the BIA's budget. This account funds tribal and BIA police officer salaries. There are occasions when there is only a single tribal offi-

cer on call for the entire 1.4 million acre reservation that we have jurisdiction over.

The much-heralded passage this year and that we cheer on is the Violence Against Women Act reauthorization that will provide those tribes with sufficient resources and the ability to prosecute non-Indians for domestic violence offenses, but for the majority of those tribes, this new authority will mean very little if there are not police officers on the ground in the first place. The fiscal year 2014 request includes a $5.5 million increase for this account but the Colville Tribes encouraged the Subcommittee to consider a larger increase to help bridge this gap and meet that need in Indian Country for police services.

This concludes my testimony and I would also be happy to answer any questions that the members of this Subcommittee have. So with that I say [speaking native language]. Thank you.

[The statement of John Sirois follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable John Sirois, Chairman
Confederated Tribes of the Colville Reservation

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

Public Witness Hearing—Native Americans

April 24, 2013

Good morning Chairman Simpson, Ranking Member Moran, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "CCT"), I thank you for this opportunity to provide testimony to the Subcommittee. I am here today to discuss two recommendations for the Subcommittee to consider as you draft the FY 2014 spending bill. The first relates to the challenges that the Colville Tribes and other Indian tribes face in getting adequate staffing for facilities constructed under the existing programs administered through the Indian Health Service (IHS). The second would ensure that the $1.9 billion that has already been appropriated for the Indian Land Consolidation program as part of the *Cobell v. Salazar* settlement can be invested to maximize the number of fractionated interests that can be acquired over the next 10 years.

The Colville Tribes recommends that the Subcommittee:

(1) include $50 million for the Small Ambulatory Grant Program in the Indian Health Services, Health Care Facilities Construction account for FY 2014 and allow for grants for short-term facility staffing from this program; and

(2) include bill language that authorizes the Secretary of the Interior to invest the $1.9 billion already appropriated for the Indian land consolidation program and utilize the supplemental amounts to maximize resources available under that program.

BACKGROUND ON THE COLVILLE TRIBES

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve aboriginal tribes and bands from all across the plateau region of the Northwest and extending into Canada. The present-day Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The Colville Tribes has more than 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the CCT's members live on or near the Colville Reservation. The Colville Reservation has more than 800,000 acres of forest land and forestry and wood products have been the CCT's traditional source of revenue.

THE SMALL AMBULATORY FACILITIES GRANT PROGRAM AND STAFFING NEEDS AT IHS FACILITIES

There are currently three paths to constructing a new health facility under the IHS system. The first is the priority list system, which has been in effect since the early 1990s and provides funding for construction of the facilities included on the list as well as 80 percent of the annual staffing costs. The second is the joint venture (JV) program, which generally requires an Indian tribe to pay the entire up-front cost of construction of a facility in exchange for IHS providing a portion of the annual staffing costs. The third is the Small Ambulatory Grant program (SAP), which is just the opposite of the joint venture program – IHS pays for the construction costs for the facility and the tribe is responsible for all staffing costs. The priority list has been closed since the early 1990s and the JV and SAP programs have been funded only sporadically during the past decade.

Like many Indian tribes with large service delivery areas, the Colville Tribes faces a health delivery crisis. The CCT's original IHS clinic in Nespelem, WA, was constructed in the 1930s. The CCT tried in the 1980s and early 1990s to construct a new facility through the IHS priority list system. We understand that at one point, the CCT's request for a new clinic in Nespelem was near the top of the priority list but was removed because of concerns that the facility was a historical site. That priority list has been locked since 1991 and some IHS Area Offices, including the Portland Area (of which the CCT is a part), have never had any facility constructed under the priority list system.

Because the CCT's need for a new facility was so great and the priority list had been closed, the Tribe ultimately was forced to utilize a variation of the SAP to construct a new facility. Of a total contract amount of $4,693,000 for the Nespelem facility, the Tribe funded $3,324,000 and IHS funded $1,369,000, with no additional staffing package.

Despite the relatively new facility, the CCT has an ongoing issue with adequate staffing of the facility. Without sufficient staff the facility cannot treat patients to its full capacity. With the reauthorization of the Indian Health Care Improvement Act more opportunities exist for tribes to generate additional revenue through third party reimbursements. Additional staff are required to process these reimbursements, however, so the promise of additional revenue becomes a chicken and egg conundrum. With a short term infusion of funds for staff to maximize reimbursements, tribes would be in a position to make these reimbursements and accompanying staff self-sustaining. This would provide opportunities for tribes like the CCT that have staffing shortages to generate additional revenue from existing facilities and hire new staff.

The FY 2014 request does not contain any funding for the SAP in FY 2014. Indian tribes that desperately need new heath facilities and staffing needs would benefit tremendously if this funding were made available in FY 2014.

Suggested Language:

"Changes to the Request include $50 million for the Small Ambulatory Program (SAP). The Committee directs IHS to provide eligibility for short term staffing packages for new or existing IHS facilities in implementing the SAP.

ALLOW DOI TO INVEST THE $1.9 BILLION ALREADY APPROPRIATED FOR THE BUY-BACK PROGRAM

As the Subcommittee is aware, the Claims Resolution Act of 2010 (CRA) provided for the settlement of the *Cobell v. Salazar* litigation. As part of the settlement the CRA appropriated $1.9 billion for the voluntary buy-back and consolidation of fractionated land interests, which is administered by the Department of the Interior (DOI) through the Land Buy-Back Program for Tribal Nations (Buy-Back program). The intent of the Buy-Back program is to acquire as many of these small, fractionated interests from willing Indian sellers as possible to reduce the burden and expense on DOI in administering them and to prevent a future *Cobell* case. Under the terms of the settlement any unspent amounts from the $1.9 billion will revert to the U.S. Treasury after 10 years.

There has been tremendous interest in Indian country in the Buy-Back program since DOI unveiled its implementation plan earlier this year. DOI has identified 40 Indian tribes that would initially be able to participate in the program and many more not on that list have expressed interest in participating as well.

Somewhat surprisingly, the CRA did not include any language that allows DOI to invest the $1.9 billion and retain the earnings for the Buy-Back program. A significant portion of the $1.9 billion will sit in an account for a period of years as the program is rolled out on reservations across the country. It only makes sense to maximize the amount of funds available to purchase fractionated interests by allowing DOI to invest these funds and retain the supplemental earned amounts for the Buy-Back program. Because the 10 year clock has already begun ticking for the $1.9 billion principal to be spent, every fiscal year that goes by without this money being invested represents money and opportunity lost.

Suggested Bill Language:

The amounts comprising the Trust Land Consolidation Fund made available to the Secretary in Section 101(e) of Pub. L. 111-291 may be transferred and invested by the Secretary in a manner consistent with the Secretary's investment of tribal trust funds. The Secretary shall retain the supplemental amounts only for uses consistent with the Land Consolidation Program for the duration of the Trust Land Consolidation Fund.

The above language would allow the Secretary to invest the $1.9 billion in the conservative, federally guaranteed securities that the Secretary currently invests tribal trust funds in. It would allow the supplemental earnings to be used by DOI only for the Indian land consolidation program. The capitalized terms are taken directly from and are defined in the CRA.

I appreciate this opportunity to testify today. At this time I would be happy to answer any questions the Subcommittee may have.

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Mr. COLE. Thank you very much.
Ms. Gorn.

WEDNESDAY, APRIL 24, 2013.

NORTON SOUND HEALTH CORPORATION

WITNESS

ANGIE GORN

Ms. GORN. Good afternoon. I am Angie Gorn, President and CEO at Norton Sound Health Corporation in Nome, Alaska, and I just want to thank you all for giving up your time and for making this opportunity available. I know it is a very difficult economic time and, as we can see, the needs here around the table are great.

I wanted to make sure that I could be here in person today so you could hear firsthand how these budget deficits impact our region in northwest Alaska. The budget cuts and the serious underfunding are great and they present serious challenges for rural Alaska. And when I say rural I mean 500 air miles from the nearest city, which is Anchorage. Rural also means that we have no road access for 16 of our communities that reside in the Bering Strait region. Some of our residents can actually look out the window and they do see Russia on a clear day. So we are rural and we are also medically underserved.

A wonderful recent achievement is the opening of this beautiful state-of-the-art, 150,000 square-foot replacement hospital in the Arctic and I want to thank all of you. This was made possible 4 years ago with the stimulus funding and the Recovery Act. And we are just very pleased that that dream became a reality for our region. We gained beneficial occupancy of that building in June of 2012, and now, we need IHS to expand and fund fully the staffing needs for that new facility. So our request, which is in the President's budget for fiscal year 2014, is $13.58 million in additional staffing funds to help us staff that new facility.

In addition to that, our region is extremely remote and so recruitment is challenging. There are many, many barriers. Our area has one of the highest HPSA scores, Health Professional Shortage Area scores in the Nation. Those additional staffing funds will allow us to recruit and hire the medical personnel and other allied health personnel that are required to expand and staff that facility, examples being pharmacists and laboratory technicians. Those would not just be nice to have. Those positions are mandatory to help us expand our healthcare and to use that building for the purpose for which it was intended.

That building is three times the size of our old facility. We need additional housekeepers; we need additional maintenance personnel as well as security. And so we are hopeful that that request for $13.58 million will be appropriated in fiscal year 2014.

Additionally, we would like to express our concerns for our village-built clinics. Healthcare in our region, 75 percent of it takes place in our village, so this is a beautiful facility but 75 percent of that takes place at the village level. And it would not be possible without our health aides, our community health aides. All of them

graduate from the Community Health Aide program and they are the backbone for healthcare delivery in our region. Now, many of them have to work in subpar conditions, facilities that have not been maintained in years. The money that Indian Health Services gives our villages is not enough to sustain and operate those clinics.

A personal example in one of our villages, Gamble, over the past 2 years, they actually had to close their doors. Norton Sound Health Corporation had to step in and assist and help fund improvements and renovations to keep the doors open. That has become a trend in our region. We now earmark monies to help our villages so they can meet those expenses on an annual basis. So we would like to see the additional $8.2 million be appropriated to help with the VBC leases in fiscal year 2014.

In addition to that, we ask for your support to fully fund the contract support costs. That continued shortfall compromises our ability to care for our patients, and that request is at $617 million.

And our last request alludes to the sequestration, which I know we have already talked about today. For Norton Sound Health Corporation, that resulted in a 5 percent cut and that translated to over $1.2 million being cut from our remaining fiscal year 2013 compact funds. In addition to that, our new staffing funds will be impacted by the cut as well, and so we urge you to please protect Indian Health Services from that sequestration.

So I just want to thank you very much and also thank you for giving up your time to listen to these requests.

[The statement of Angie Gorn follows:]

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Angie Gorn, President/CEO (agorn@nshcorp.org)

Testimony submitted to the House and the Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2014 Indian Health Service Budget

April 24, 2013

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2014 Indian Health Service (IHS) budget are as follows:

- Appropriate an additional $13.58 million to staff and operate the newly opened Norton Sound Regional Hospital, as requested by the Administration.
- Direct the IHS to use existing FY 2014 appropriations to fully fund the Village Built Clinic (VBC) leases in accordance with Section 804 of the Indian Health Care Improvement Act and allocate an additional $8.2 million to VBC leases.
- Fully fund contract support costs at $617 million, an amount $140 million over the President's FY 2014 budget request. We also ask that the Committees direct the IHS to immediately release the outstanding FY 2011 and FY 2012 CSC shortfall reports.
- Reject the Administration's proposal to preclude CSC shortfall recovery by specifying in the appropriations bill amounts for individual Self-Determination contracts.
- Shield the IHS from sequestration.

* * *

The Norton Sound Health Corporation is the only regional health system serving Northwestern Alaska. It is on the edge of the Bering Sea, just miles from the Russian border. We are not connected by road with any part of the State and are 500 air miles from Anchorage - about the distance from Washington, DC to Portland, Maine. Our service area encompasses 44,000 square miles, approximately the size of Indiana. We are proud that our system includes a tribally-owned regional hospital which is operated pursuant to an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement, and 15 village-based clinics.[1] The logistics and costs associated with travel and transportation are a daily challenge, to say the least.

[1] We serve the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain.

Additional Funding Needed To Staff New Hospital Facility. NSHC gained beneficial occupancy of its new replacement hospital and ambulatory care center facility in Nome in June 2012, the construction of which was funded by the Recovery Act. The IHS and NSHC have successfully worked as government-to-government partners to construct and furnish the new facility.

The replacement facility is almost three times the size of the former Norton Sound Regional Hospital and will allow for increased patient visits in the primary and acute care areas, including chronic disease prevention and management, and allow us to provide enhanced trauma and emergency services. NSHC needs to hire additional staff for the new replacement facility including pharmacists, laboratory and x-ray technicians, maintenance, information technology, housekeeping and security personnel.

Now that the new facility is open, IHS has only to fund the expanded staffing needs for operation of the replacement hospital. We need the full amount requested by the President in his FY 2014 Budget – or an additional $13.58 million - in staffing/operating funds to allow optimal use of the facility. These funds, combined with the over $10 million staffing funds provided in the FY 2013 appropriations will ensure that NSHC will be able to safely carry out its mission in the new hospital.

It is important to note that the new hospital is located in a medically underserved area and has one of the highest Health Professions Shortage Area (HPSA) scores in the nation. NSHC has been greatly limited in its ability to recruit and hire medical professionals, instead having to focus primarily on hiring core operational staff. It is very difficult for us to successfully recruit medical staff to Nome, particularly individuals who will need to move to Nome with their families, based solely on our anticipation that Congress might make additional staffing funds available to NSHC sometime in the future. To fully realize the potential of the new replacement hospital, and to ensure that we can safely provide adequate and expanded health care services to the people in our region, we need the full amount of $13.58 million that the President has asked for in his Budget.

Assistance Needed To End Chronic Underfunding Of Village Built Clinics. The NSHC health care system includes 15 Village Built Clinics (VBCs). The VBCs are essential for maintaining the IHS Community Health Aide Program (CHAP) in Alaska, which provides the only local source of health care for many Alaska Native people in rural areas. The CHAP program is mandated by Congress as the instrument for providing basic health services in remote Alaska Native villages. The CHAP program cannot operate without the use of clinic facilities.

The IHS has for many years consistently under-funded the leases of VBCs even though the IHS has had available appropriations to fully fund the leases. Lease rental amounts for the VBCs have failed to keep pace with costs –the majority of the leases for VBCs have not increased since 1989. The IHS has instead shifted its statutory responsibilities onto the villages and NSHC, which does not have adequate financial resources to maintain and upgrade the VBCs for CHAP

staff. As a result, many of the VBCs are unsafe or have had to be closed, leaving some villages in Alaska without a local health care facility.

As we indicated in our joint testimony to the Committees last year, NSHC and many other tribal organizations in Alaska have discussed this issue with the IHS on several occasions, and have proposed solutions that the IHS continues to ignore. IHS continues to assert that it provides for VBC leases all of the funds that Congress has appropriated for the program. In our view, the amounts historically traceable to the VBC leases are not capped by statute and are not the only funds available for that program. The Indian Health Facilities appropriation is a lump-sum appropriation that can be used for construction, repair, maintenance, improvements and equipment, and includes a sub-activity for maintenance and improvement of IHS facilities. The VBCs are IHS facilities acquired by lease in lieu of construction and should thus be eligible for maintenance and improvement funding. The IHS can also access other IHS discretionary funds to fully fund its VBC obligations.

For the FY 2014, we urge that an additional $8.2 million be appropriated to help fully fund VBC leases. We also ask that Congress direct the IHS to use existing FY 2014 appropriations to fully fund the VBC leases in accordance with § 804 of the Indian Health Care Improvement Act.

Contract Support Costs (CSC) Must Be Fully Funded. NSHC appreciates that Congress has in recent years increased funding for IHS contract support costs owed to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act and federal case law. Even with these additional appropriated funds, the ongoing shortfall of CSC continues to impose significant hardships on NSHC and its patients. We urge the Committees to continue to push for full funding of CSC so that CSC underfunding is finally resolved. While it is difficult to estimate the full CSC need for FY 2014—in part because IHS refuses to release its CSC distribution data for the last two years, as discussed further below—based on projections from FY 2010 we estimate that the total need in FY 2014 to be $617 million.

Given the progress toward full CSC funding in recent years, we are dismayed that the Administration's budget request proposed only a minimal increase for IHS CSC to $477,205,000. This would force tribes to absorb almost $140 million in uncompensated costs for overhead and administration of federal programs. This continued shortfall compromises NSHC's ability to serve its patients. We urge the Committees to fully fund IHS CSC at $617 million.

Just as disheartening is the Administration's proposed appropriations act language that attempts to preclude tribes from recovering any of their CSC shortfalls through contract actions, which the Supreme Court said is their right in the *Salazar v. Ramah Navajo Chapter* case from 2012. The proposed bill language would incorporate by reference a table identifying the maximum amount of CSC available for every single ISDEAA agreement. This process is unworkable, and has been proposed with zero input from tribes and other ISDEAA contractors. We urge that the Committee reject this proposed approach and, instead, fully fund CSC for both IHS and BIA.

Direct the IHS to Release CSC Shortfall Data. The IHS has failed to provide CSC shortfall reports to Congress for FYs 2011 and 2012. The IHS must submit these reports no later than

May 15 of each year, per§ 106(c) of the ISDEAA, 25 U.S.C. § 450j-1(c). NSHC and other ISDEAA contractors recently asked the IHS to share the CSC distribution data for those years. Access to the CSC shortfall data is critical to our ability to understand the IHS's view of the scope of CSC underfunding, to evaluate IHS's allocation of its insufficient past CSC appropriations, and to pursue full CSC funding moving forward. The IHS has repeatedly refused to make the reports available, most recently at a March 2013 meeting with the IHS Area Lead Negotiator for the Alaska Area. We thus ask that the Committees direct the IHS to immediately release the FYs 2011 and 2012 CSC shortfall reports—and all future reports—in a timely manner, as required by the ISDEAA.

Protect the IHS from Sequestration. The Office of Management and Budget determined that the IHS's appropriation is fully sequestrable, which resulted in a $220 million cut in funding to the IHS for FY 2013 – roughly 5% of the IHS's overall budget. IHS lost $195 million for programs like hospitals and health clinics services, contract health services, dental services, mental health and alcohol and substance abuse. Programs and projects necessary for maintenance and improvement of health facilities felt these same impacts. These negative effects are then passed down to every ISDEAA contractor, including NSHC. NSHC is already significantly underfunded, resulting in further cuts to the availability of health services we are able to provide to our patients, resulting in real consequences for individuals who have to forego needed care.

We suffer these reductions and experience these new challenges to providing health care for the people of the NSHC region, despite the United States' trust responsibility for the health of Alaska Native and American Indian people. We fail to understand why this responsibility was taken less seriously than the Nation's promises to provide health to our veterans. The Veterans Health Administration (VA) was made fully exempt from the sequester for all programs administered by the VA. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). Also exempt are state Medicaid grants, and Medicare payments are held harmless except for a 2% reduction for administration of the program. Yet the IHS—which already faces low funding—was subject to full cuts. We thus strongly urge the Committee to support amendment of the BBEDCA to fully exempt the IHS from any future sequestration, just as the VA and other health programs are exempt.

* * *

Thank you for your consideration of our request that adequate FY 2014 IHS staffing funding be made available for the NSHC replacement hospital. We are very excited about the possibilities this facility brings for improved health care for the people of Northwestern Alaska. We also appreciate the Committees' consideration of our requests to address the chronic underfunding of Village Built Clinics and contract support costs. We are happy to provide any additional information you may request.

Mr. COLE. Thank you. And let me make a couple quick remarks before I opened it up for questions. And just obviously a common theme—and there were in the earlier panels today—about the need for funding. As I am sure you are probably aware, that is always a challenge and probably more so this year than most. On the other hand, this committee under Chairman Simpson and Chairman Moran has really been the leader I think on most of these issues and I know over the last 3 years has actually out-appropriated what the President requested for BIA and I believe BIE and certainly for Indian Health.

And our problems tend to be the other side of the Rotunda. It is actually not a partisan problem; it is a chamber problem in some ways. So we appreciate the input. It is very helpful. And we will continue to try to work on these issues. But you do not have to convince anybody on this panel on either side of the aisle that these are genuine and real needs, and we understand the problems associated with the sequester.

I do have a quick question for you if I may, Mr. Greene. I was curious—and this may be in your written testimony. You talked about the commercial fishing dock that was so critical, and I was curious what the cost estimates on that were.

Mr. GREENE. The cost estimates are between 7 and $9 million to complete the project and we have a substantial amount of that put away already, right around $3 million that we tried to set aside for that project.

Mr. COLE. So you are looking for a match in effect?

Mr. GREENE. Yes, either a match or, you know, whether it is a new market tax credits, access to new market tax credits. We have applied to the Department of Transportation TIGER program several times. We have not been successful. Although it has been rated as a good project, it just is not quite competitive enough for that program.

Mr. COLE. Well, it is an excellent use of the money. I will just hold here quickly because I know we are limited on time. Let me go to the ranking member, Mr. Moran.

Mr. MORAN. I think I should do the same, Tom, because we are going to have a vote. We were supposed to have the vote at 1:30 Buddy tells me so I think we better get as many people in. I am not sure how many votes we have but let's see if we can get as many witnesses as possible.

Mr. COLE. Absolutely. Ms. McCollum.

Ms. MCCOLLUM. Well, Mr. Chair, I am going to take advantage to ask the representative from Red Lake, Darrell. We heard a little bit about what is going on with Indian education. We have heard a little more about what is going on with Indian healthcare, and I think people have a pretty good picture on that. And I do not mean to put you on the spot because you have a lot of tribal responsibilities. You know what is going on with the schools that I know, you know, that is something you care passionately about.

Mr. SEKI. Yes.

Ms. MCCOLLUM. But you might not have everything at your fingertips. But a lot of things are happening with some of the tribal schools with Impact Aid, and Red Lake is right in the middle of the hot seat on that. And if you would care to share if you feel that

you have been briefed enough on what is going on with Impact Aid with the Red Lake schools, I would appreciate it. Maybe describe how long these young people are in the bus just to get to school and the talk about consolidation is very, very scary from what I hear what their school day would become just being in a bus.

Mr. SEKI. Well, Dave Connor is the one that gathers all our information, but like our reservation, we have a big land base and for some of our students they go to school from Panama to Red Lake, that is, what, a 45-minute ride. And, you know, the sequester that is going to happen, it is going to affect the state funding also because the state is being cut back because the dollars they used to get from the Federal Government to support, you know, the public schools that we have in Red Lake. And I want to have Dave Connor come up here and add some of these issues we have regarding education.

Ms. MCCOLLUM. Mr. Chair, if that is okay with you?

Mr. COLE. Yes, that is okay. We are quickly if we can, though. If you could state your name and position for the record?

Mr. CONNOR. Yes, David Connor, Self-Governance Coordinator, Red Lake band of Chippewa Indians.

Mr. COLE. Thank you.

Mr. CONNOR. And thank you, Mr. Chair and Ms. McCollum. It is a critical matter. You know, from one end of the reservation to another it actually spans in terms of transportation sometimes 75 miles one way and it will cut back on bus services and possibly other services to get the kids to other schools because right now in the remote location many Red Lake kids do not just go to Red Lake High School; they go to Clear Brook and Black Duck, and several other locations.

And additionally, back to BIA, you know, the funding levels for the Johnson-O'Malley program, we estimate that this year, because of the sequester, 107 students are going to be denied aid, school supplies, tutoring, and bus transportation, and that number is going to jump to nearly 200 next year. And as we all know, Minnesota graduates 42 percent of Native American kids from high school. Only 42 percent of Native American kids graduate from high school in Minnesota. It is the worst state in the Nation. So programs like JLM actually provide services that help kids at a younger age get the skills they need to get graduated.

But thank you very much.

Mr. COLE. Thank you.

Ms. MCCOLLUM. Thank you, Mr. Chair.

I just wanted to get a little better picture of what is going on with the education opportunities that are being ruled out with sequestration. I appreciate your indulgence.

Mr. SEKI. Congressman McCollum, it also is going to affect our college students that go to college. Because of these cuts, it is going to be less for them. It will be less high school graduates going to college because we will not have any scholarships available for them. And it is going to be very devastating because education is supposed to be for everyone, but in our reservation if the sequester is not stopped, it is going to affect our scholarship funding for our students, and it is a shame to see that is going to happen in these

coming years. If you can look at our testimony and the graphs that we submitted, that could help.

Mr. COLE. I can assure you that we will. Thank you.

I am sorry to rush it along, but we do want to make sure that as many panelists as possible can come address. So thank you very much and I look forward to working with you on these issues.

If we can, our next panel—and if I mispronounce the name, I am sorry. Is it Amy Fredeen? Angela Cox, Julie Roberts, Patty Brown-Schwalenberg, and Dr. Donna Galbreath, welcome.

WEDNESDAY, APRIL 24, 2013.

COOK INLET TRIBAL COUNCIL

WITNESS

AMY FREDEEN

Ms. FREDEEN. Congressman Cole and members of the subcommittee, thank you for the opportunity to speak——

Mr. COLE. Well, if you would introduce yourself. If I do not call on you, they do not know. So if you would introduce yourself and your position.

Ms. FREDEEN. Okay. My name is Amy Fredeen and I am with Cook Inlet Tribal Council. I am the executive vice president and CFO.

Mr. COLE. Thank you so much.

Ms. FREDEEN. Well, thank you for the opportunity to speak to you today. As I mentioned before, I am with Cook Inlet Tribal Council, or CITC. We are an Alaska Native tribal nonprofit organization which serves as the primary education and workforce development Center for Alaska Native people in Anchorage. I will be addressing two issues in my testimony today: the 477 program and contract support costs.

CITC serves Alaska Native and American Indian people primarily in south-central Alaska, which is home to over 40,000 Alaska Native/American Indian population. Our population experiences huge disparities. Alaska Native students are twice as likely to drop out as their non-native peers, 33 percent of the unemployed in Alaska are Alaska Native people, and almost 20 percent of Alaska Native people have incomes below the federal poverty line, nearly three times the rate of their non-native counterparts.

The Indian Employment Training and Related Services Demonstration Act, or the 477 program, is an effective tool in reducing and eliminating these disparities. Administered by the Department of the Interior, the law allows a consolidation of funding streams from the U.S. Department of the Interior, Health and Human Services, and Labor into a single employment and training plan. On a national level, 62 tribal grantees and a consortia of 477 programs serve 267 out of the 545 tribes nationwide.

CITC relies heavily on the 477 program to find our people more effective and integrated services while reducing costly administrative redundancy. Over the past 5 years, CITC's 477 program has provided over 9,300 jobseekers with career coaching, training, and job search assistance with 5,900 of those reaching employment in

non-subsidized work. The average hourly wage of a jobseeker coming to CITC for services increased from $9.95 an hour to over $17 an hour, greatly impacting their livability.

In addition to being successful on the ground, the 477 program is fully accountable. It achieved the highest rating of the Office of Management and Budget PART assessment rating tool in Indian Affairs. The 477 program is critical to our effectiveness, especially in an environment of shrinking funding sources. This committee has been very responsive to tribes' concerns and supportive of the 477 program. We are grateful that your action last year resulted in considerable momentum to resolve agency issues regarding 477 implementation.

While we continue to meet weekly with the agencies in good faith, we have not reached a solution. We request that the Subcommittee expedite negotiations and clarify the intent of the program by adding language to the law that strengthens the intent, details of which are included in my written testimony.

Secondly, contract support costs provide a key element in our ability to leverage funds and be effective. The Administration's budget proposes wiping out all contract support claims and fiscal year 2014. We object to this provision on the following grounds: first, the provision effectively amends the Indian Self-Determination Act to wipe out the damages remedied which Congress provided in Section 110. Second, the Administration never consulted with tribes before proposing this radical change. Amendments to the Indian Self-Determination Act should only be developed through the Authorizing Committee after full consultation with tribes and tribal organizations. And lastly, if the Administration wants to explore improvements in the funding of self-determination contracts, it should only do so through the advanced collaboration with tribes and tribal organizations.

Thank you for your time and consideration.

[The statement of Amy Fredeen follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
April 24, 2013
Native American and Alaska Natives Issues Hearing
Testimony by Amy Fredeen, Executive Vice-President and CFO, Cook Inlet Tribal Council

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Chairman Simpson and Members of the Subcommittee, thank you for the opportunity to speak before you today on the Department of Interior Bureau of Indian Affairs and Department of Indian Affairs, Office of Indian Energy and Economic Development. My name is Amy Fredeen and I am the Executive Vice-President and CFO of Cook Inlet Tribal Council (CITC), an Alaska Native tribal non-profit organization which serves as the primary education and workforce development center for Native people in Anchorage. CITC has been designated tribal authority through Cook Inlet Region Inc., organized through the Alaska Native Claims Settlement Act and recognized under Section 4(b) of the Indian Self-Determination Act and Education Assistance Act, P.L. 93-638. CITC builds human capacity by partnering with individuals to establish and achieve both educational and employment goals that result in lasting, positive change for themselves, their families, and their communities.

Demographics and Expanding Service Population
CITC's programs serve Alaska Native and American Indian people in the Cook Inlet Region, which includes Alaska's most urbanized and populated communities, and is home to an Alaska Native/American Indian population of more than 40,000, approximately 40% of the Native population of the state of Alaska. In Anchorage alone, the Native population is approximately 22,000, about 20% of the total Native population in the state. CITC's programs address many of the social, economic, and educational challenges faced by Alaska Native people. For example, Alaska Native students are *twice as likely* to drop out as their non-Native peers; 33% of Alaska's unemployed are Alaska Native people, and almost 20% of Alaska Native people have incomes below the federal poverty line -- nearly three times the rate of non-Native people.

In-migration from rural, largely Alaska Native communities to the urban areas in the Cook Inlet Region is accelerating as Alaska Native people find it increasingly difficult to make a living in rural Alaska. 59% of CITC's participants have been in Anchorage for five years or less; and employment, training, and education are frequently cited as reasons for moving to Anchorage. In contrast, the current Bureau of Indian Affairs funding formula for CITC is based on the population figure of 14,569 -- from the 1990 Census -- which leaves CITC with a funding shortfall to meet the needs of the 40,000 Alaska Native and American Indian people currently residing in our service region. CITC is able to create and maintain successful programs, despite this shortfall, due to flexibility granted by the 477 program that allows us to leverage our existing funding and maximize efficiencies.

Public Law 102-477 is Essential to Effective Service Provision
The Indian Employment Training and Related Services Demonstration Act, Pub. L. 102-477, as amended, 25 U.S.C. §§ 3401-3417 (or the "477 program"), currently administered by the Office of Indian Energy and Economic Development in the Department of the Interior, provides a

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critical foundation for maximizing the effectiveness of CITC's programs. The law allows the consolidation of funding streams from the U.S. Departments of Interior, Health and Human Services, and Labor into a single education, employment and training program. The 477 program enables flexibility on the part of the receiving organization to plan the programming to best fit the needs of the community and minimize administrative redundancy by merging reporting requirements, while still adhering to the Government Performance Results Act's stringent accountability standards. 267 tribes and tribal organizations operate through 63 plans under the 477 program, making this a program of national significance.

CITC 477 Programs

The 477 Program is essential to the success of our program as it allows CITC to increase effectiveness and innovation, enhance interoperability, and eliminate inefficiency while maximizing program outcomes. CITC's Employment & Training Services Department (ETSD) provides comprehensive services to assist Native job seekers, including job training and placement, TANF, and child care. CITC's employment and training programs are based on the premise that effective solutions to workforce development require integrated approaches to ensuring job readiness, training, and placement. By working closely with state and federal programs, community and tribal non-profits, universities, vocational training centers, employers, and Native corporations, CITC is able to provide a wide array of training and employment assistance, coupled with supportive services, to help overcome many barriers to employment.

CITC is the sole provider of Tribal TANF in Anchorage, a key component of our 477 program. Our TANF program is built on an integrated service model that connects participants to the range of programs offered throughout CITC's departments. Through our integrated service model, CITC has reduced caseloads as well as effectively implemented TANF prevention. This is precisely the type of innovation and interoperability that would be impossible without the flexibility provided by the 477 program.

Furthermore, efficiencies gained within the TANF program resulted in a **5-year savings of $8.4 million** – savings that have been re-invested in supportive services and programs going directly to TANF participants. 477 allows Tribes and Tribal entities (e.g. CITC) to administer federally funded employment and job training programs as a single program, with a single budget and single set of reporting requirement. **CITC relies on the 477 program to provide our people more effective and integrated services while reducing costly administrative redundancy.**

Over the Past 5 Years CITC 477-supported Programs Have:

- Provided **9,329** job seekers with career exploration, training and job search assistance; **5,905** (63%) of these individuals were placed in jobs. In 2010, the average hourly wage (AHW) of a job seeker coming to CITC for services was **$9.95** – upon leaving CITC their AHW was **$17.23.**
- Transitioned **1,989** TANF recipients from welfare to work, entering with no job experience or income, and leaving with an AHW of **$11.53**.
- Provided training opportunities and job placement in critical employment sectors, including: **Customer Service/Retail Management** (AHW $11.01); **Driver's Education** (AHW

$14.16) and CDL Driver's Certification (AHW $16); **Weatherization Training** (AHW $14.77 - $22.15); **Healthcare: CNA, LPN, RN, Medical Coding** (AHW $13.79)

CITC has demonstrated that the 477 program is very successful in connecting people to long term, meaningful jobs. In short, the 477 program is a "win-win" for the federal funders and CITC, since it eliminates wasteful inefficiency while maximizing program outcomes. In addition to being successful on the ground, the 477 program is fully accountable. It achieved the highest Office of Management and Budget PART (Program Assessment Rating Tool) rating in Indian Affairs. The 477 program is critical to our effectiveness, especially in this environment of shrinking funding sources.

Similarly, the 477 program on a national level has excellent results. These programs provide tribes and tribal organizations the ability to leverage their federal job training and job placement funding for DOI, HHS and DOL-- including TANF, Childcare other programs. As a result, the 2012 477 national report shows that tribal programs served over 41,000 people, of whom only 4% did not complete their objectives. More importantly, of those who obtained employment: 1) Adults gained $9.25 per hour; 2)Youth gained $6.40 per hour; and 3)people on cash assistance gained $7.60 per hour. As you can see, the 477 program is critical to our effectiveness, especially in this environment of shrinking funding sources.

Subcommittee Support for 477

In 2011 and again last year, the Tribes sought assistance from this Committee regarding two problematic changes the agencies proposed to the administration of the 477 program that would significantly undermine its success: 1) ending the practice of transferring 477 program funds to participating Tribes and Tribal organizations through PL 93-638 contracts or Self-Governance agreements, as authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA); and 2), a new requirement that 477 Tribes and Tribal organizations report their 477 expenditures separately by funding source number for audit purposes.

The federal agencies and 477 Tribes agreed to try to resolve their differences over these issues, which led to the formation of the P.L. 102-477 Administrative Flexibility Work Group. This group has met almost weekly for 18 months and included policy and program representatives from the Departments of the Interior (DOI), which administers the 477 program, Health and Human Services (HHS), Labor (DOL) and the Office of Management and Budget (OMB), as well as representatives from 10 affected Tribes and Tribal organizations. In the meantime, the agencies agreed to temporarily allow funds to continue to be transferred through ISDEAA and have suspended the reporting requirements instituted in the March 2009 OMB Circular.

This Committee has been very responsive to the Tribes' concerns and supportive of the 477 program. The House/Senate Appropriations conferees on the FY 2013 Interior Appropriations bill instructed the federal agencies to continue to engage in consultations with the 477 Tribes and Tribal organizations to reach consensus on the transfer and reporting of funds administered by Tribes through program plans adopted by Tribes and approved by the Department of the Interior under the 477 program.

The Work Group has had some successes: 1) effectively collaboration on interim OMB circular language that has kept the status quo while discussions continue; 2) new draft 477 program

guidelines for the agencies in reviewing tribal plan proposals; 3) certain components of the draft narrative, statistical and financial reporting; and 4) representatives agreed that 477 funds would be transferred through PL 93-638 contract(s) or Self-Governance funding agreement(s). However, in spite of this progress, it has become clear that the agencies continue to question one of the fundamental purposes of the 477 program—to allow tribes and tribal organizations to reallocate their funds **within their approved** 477 **program** in order to address local issues and programmatic needs in the most effective manner. From our perspective, giving this authority and responsibility to tribes to meet their own needs is exactly the point and strength of the 477 program. It is precisely this flexibility that has allowed us to be so successful.

Given this disagreement of fundamental principle, we urge the Subcommittee to remain involved in this issue and supportive of the 477 program. Specifically, we request that the subcommittee expedite the negotiations and clarify the intent of the program by adding following language: Notwithstanding any other provision of law, and notwithstanding any auditing or reporting circular of the Office of Management and Budget or related compliance memoranda, hereinbefore and hereinafter (1) any funds supplied by any Federal department or agency to carry out a plan under Public Law 102–477 (the Indian Employment, Training and Related Services Demonstration Act), as amended, shall be consolidated and made available to the applicable Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement under title I or title IV of Public Law 93–638 (the Indian Self-Determination and Education Assistance Act), as amended; and (2) no Indian tribe or tribal organization carrying out such a plan shall be required to separately account for the expenditure of the funds of each Federal department or agency after the date on which the funds are consolidated and paid to the Indian tribe or tribal organization; (3) all funds transferred under an approved Public Law 102-477 plan may be reallocated and rebudgeted by the Indian tribe or tribal organization to best meet the employment, training and related needs of the local community served by the Indian tribe or tribal organization.

In addition, we request that Contract Support Costs for BIA self-determination contracts and self-governance compacts be fully funded in the amounts of $242 million, not $230 million, and that they not be legislatively allocated through a table on an individual contract by contract basis but rather individual negotiations with each tribe and tribal organization.

Conclusion

Mr. Chairman, as a 477 Tribal organization, CITC is grateful for this subcommittee's interest in and support for the 477 program. This program is essential to our ability to meet the needs of our people in innovative and efficient ways that allow us to provide wrap around services designed on a model of integration and maximum efficiency, leveraging . We remain concerned that, in the absence of specific legislative authorization as provided above, the spirit, the letter and the opportunities of the PL 102-477 law will be subject to changes in implementation from administration to administration.

Thank you for your time and consideration.

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Mr. COLE. Thank you.

Angela Cox, Vice President of Administration, Arctic Slope Native Association.

WEDNESDAY, APRIL 24, 2013.

ARCTIC SLOPE NATIVE ASSOCIATION

WITNESS

ANGELA COX

Ms. COX. [Speaking native language.] Distinguished members of the subcommittee, thank you for the opportunity to testify before you today regarding the fiscal year 2014 Indian Health Service budget. My name is Angela Cox. I am Inupiaq from the northernmost tribe of the United States. I am also the vice president of Arctic Slope Native Association. We are an intertribal health organization based in Barrow, Alaska, and we serve and are controlled by eight federally recognized tribes across the northernmost region of Alaska.

The anchor for all of our services is the IHS Samuel Simmonds Memorial Hospital in Barrow. Since 1996 we have operated this facility under a self-governance compact with IHS now compacted under Title V of the Indian Self-Determination Act. I am here to provide testimony about our new IHS hospital, which is in the final stages of completion. This new 100,000 square-foot, state-of-the-art hospital is replacing the 25,000 square-foot hospital which IHS built in 1963. We are excited about our new facility and must pause to thank this committee for your extraordinary work in providing the majority of the funds necessary for this project.

I am proud to say that we contracted for the construction of this hospital under Title V and we are completing the project within budget. Next month, we will receive our certificate of beneficial occupancy, and in September, actual patient services will begin.

But a brand-new hospital is of little use if there is no new staffing. This is one reason I am here to testify about IHS's proposed fiscal year 2014 budget. The most significant impacts for ASNA in the budget are staffing for new facilities and contract support costs.

Regarding new hospital staffing, IHS signed our final staffing package in May 2011. The new hospital is four times larger than our existing facility and many more services would be available, assuming we have the staffing.

Our existing staffing package for the old hospital is 116 full-time equivalent employees. IHS calculated the new hospital staffing package—granted, only at the standard 85 percent capacity formula—to be 256 FTEs. That is a 140 FTE increase in staff. Although we require 140 new FTEs, the fiscal year 2014 budget only requests 49, for a total of 165. That is less than half of the personnel required to bring the hospital online at 85 percent capacity. In other words, half of the hospital will be empty and unused. As a matter fact, even though we are commencing patient services in current fiscal year 2013, ASNA is not slated to receive any fiscal year 2013 IHS staffing funds.

It makes little sense for Congress to finance the construction of a high-priority new facility and then to leave the facility half-staffed and unable to provide the care for which it was designed. We ask that the Committee take corrective action to staff the Barrow Hospital by adding 140 new FTEs, not a mere 49.

Regarding contract support costs, the underfunding of the staffing package is compounded by the underfunding of our contract support requirements. These are the funds which IHS is required by contract to pay ASNA the cost of operating the Barrow Hospital and outlying village clinics. ASNA's contract support has been underfunded since '96. This committee has been heroic in seeking to close the national gap in funding all tribal contract support cost requirements, and we thank you for your hard work. We appreciate that it is extremely difficult to find new funds and to reorder priorities in a sequester environment, but with all due respect, honoring a contract in full is not a choice among priorities; it is a legal obligation.

The proposed budget would prevent us from securing justice on our contract claims in fiscal year 2014. It would cap contract payments to ASNA and deprive us of our day in court for any losses. Worse yet, there has been no consultation whatsoever with impacted tribes. We understand the importance of the current fiscal challenges and would like to be part of the solution. In short, contract support costs should be fully funded at $617 million.

Regardless of funding levels, no new language should be added that would cut off our contract rights under the Indian Self-Determination Act.

In closing, on behalf of our president Marie Carroll, our board member tribes, I would like to extend an invitation to all members of this committee, your staff, to join us for our celebratory opening in August for the opening of the new hospital. This new facility is the result of a unique partnership between many local, state, and federal agencies: the Denali Commission, the Indian Health Service, and our eight federally recognized tribes; and, most importantly, this committee. We would be very honored if you could join us at the opening. [Speaking native language.]

[The statement of Angela Cox follows:]

BEFORE THE HOUSE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TESTIMONY OF ANGELA COX, VICE-PRESIDENT OF ADMINISTRATION ARCTIC NATIVE SLOPE ASSOCIATION, LTD. REGARDING THE FY 2014 INDIAN HEALTH SERVICE BUDGET

Chairman Simpson, Ranking Member Moran and other distinguished members of the Subcommittee, thank you for the honor and opportunity to testify before you today regarding the FY 2014 budget for the Indian Health Service (IHS). My name is Angela Cox. I am an Inupiaq from the northern most Tribe in the United States, and I am the Vice President of Administration for the Arctic Slope Native Association (ASNA). We are an inter-tribal health organization based in Barrow, Alaska and we are controlled by and serve eight federally recognized Tribes situated across Alaska's North Slope.

The anchor for all of our services is the IHS Samuel Simmonds Memorial Hospital in Barrow. Since 1996 we have operated this IHS facility under a self-governance compact with IHS, now compacted under Title V of the Indian Self-Determination Act. The region we serve is quite large, equal in size to the State of Minnesota.

I am here to provide testimony about our new IHS hospital, which is in the final stages of completion. This new 100,000 square foot state-of-the-art hospital is replacing the 25,000 square foot hospital which IHS built in1963. We are excited about our new facility and must pause to thank this Committee for its extraordinary work in providing the majority of the funds necessary for this project.

I am particularly proud to say that we contracted for the construction of this hospital under Title V, and that we are completing the project within budget. Next month (May 2013) we will receive our certificate of beneficial occupancy. In five months (September 2013) actual patient services will begin in the new hospital.

But, a brand new hospital is of little use if it there is no new staffing. This is one reason why I am here to testify about IHS's proposed FY14 budget. The most significant impacts for ASNA in that budget are staffing for new facilities and contract support costs.

New Hospital Staffing. Our staffing requirements for the new hospital were developed over the course of several years, and IHS signed our final staffing package in May 2011. The new IHS hospital is four times larger than our existing facility and many more services will be available – assuming we have the staffing – including CT-scan, physical therapy, and optometry, as well as expansions of existing services. Many of the new services are currently only available by flying to Anchorage, which is over 700 air miles south of Barrow. Practically speaking, that means only some patients receive this care, and others simply go without. Providing this care locally will enhance patient health while producing considerable savings over travel and lodging costs in Anchorage.

Our existing staffing package for the old hospital is 116 FTEs (full time equivalent employees). IHS calculated the new hospital staffing package – granted, only at the standard 85%-of-capacity formula – to be 256 FTEs. That is a 140 FTE increase in staff. (If IHS were staffing the hospital at the level for which it was designed, based upon IHS's patient need methodology, the staffing would actually be 301 FTEs. As I said a moment ago, 256 FTEs is only 85% of full staffing.)

Although we require 140 new FTEs for a total of 256 FTEs, the FY14 budget only requests 49 new FTEs for a total of 165 FTEs. *That is only 35% of the personnel required to bring the hospital online at 85% capacity.* In other words, ***about half of the hospital will be empty and unused.*** (As a matter fact, even though we are commencing patient services in current fiscal year 2013, ASNA is not slated to receive *any* FY 2013 IHS staffing funds.)

It makes little sense for Congress to finance the construction of a high priority new facility, and then to leave the facility half-staffed and unable to provide the care for which it was designed. We ask that the Committee take corrective action to staff the Barrow Hospital by adding 140 new FTEs, not a mere 49 FTEs.

Contract Support Costs. The underfunding of the staffing package is compounded by the underfunding of our contract support requirements. These are the funds which IHS is required, by contract, to pay ASNA for the cost of operating the Barrow Hospital and outlying village clinics.

ASNA's contract support has been underfunded since 1996. Each year since then we have had to redirect health care monies, including FTE staffing funds, to cover for

IHS's failure to pay these costs in full. This Committee has been heroic in seeking to close the national gap in funding all tribal contract support cost requirements, and we thank this Committee for its hard work. No one has done more to remedy this perennial problem than this Committee.

We appreciate that it is extremely difficult to find new funds and to reorder priorities in a "sequester" environment. But with all due respect to the President, the Administration, and to Director Roubideaux, honoring a contract in full is not a choice among priorities; it is a legal obligation.

I say this from direct experience. The Committee is surely familiar with the recent Supreme Court decision involving BIA contract underpayments, called Salazar v. Ramah. What may be less well known is that *for 9 years we have been litigating identical claims against IHS.* When the Supreme Court decided the Ramah case, the Supreme Court also issued an Order reopening our Arctic Slope case. A few weeks later, the Court of Appeals said we would be able to recover the unpaid portion of our contracts though the federal Judgment Fund, just like any other government contractor. Just this month, we finally settled our 1999 claim for $1.4 million plus interest.

The proposed Budget would prevent us from securing justice on our contract claims in FY 2014. It would cap contract payments to ASNA and deprive us of our day in court for any losses. That is its stated purpose. We are shocked that the agency would propose this, particularly after having just lost decades of litigation in the Supreme Court. The answer when you lose a case in the Supreme Court is to honor the ruling, not look for a way to get around it.

I am particularly disappointed to see IHS call its new proposal a Supreme Court "recommendation." The Supreme Court never recommended cutting off our claims. The Supreme Court vindicated our claims. The agency has turned the Court's words in order to avoid paying our contracts in the future. The agency and the Department are not proposing to cut off the contract rights of its many non-Indian contractors, and it should not treat Indian contractors any differently.

Worse yet, the Administration has done this in secret, without any consultation whatsoever with the impacted Tribes. We understand the importance of the current fiscal

challenges and would like to be part of the solution; this is the value of supporting tribal consultation.

In short, in the wake of the Ramah and Arctic Slope decisions, contract support costs should be fully funded at $617 million. As this Committee said two years ago, "The Committee believes that both the Bureau and the Indian Health Service should pay all contract support costs for which it has contractually agreed and directs the Service to include the full cost of the contract support obligations in its fiscal year 2013 budget submission."

Regardless of funding levels, no new language should be added that would cut off our contract rights under the Indian Self-Determination Act. If any proposal is going to be advanced to alter our contract rights under the Indian Self-Determination Act, it should be done through an open and transparent process that is led by the authorizing committees which wrote the Act, beginning with Chairman Don Young's Subcommittee on Indian and Alaska Native Affairs.

* * *

One last thing before I close.

On behalf of our President and CEO Marie Carroll, together with our Board and member Tribes, I would like to extend an invitation to Chairman Simpson, Ranking Member Moran, all Members of the Committee, and your staffs, to join us in August for our celebratory opening in Barrow of the Samuel Simonds Memorial Hospital.

This new facility is the result of a unique partnership between many local, state, and federal agencies; IHS, the Denali Commission, and our eight federally-recognized Tribes; and, most importantly, this Committee. We would be very honored if you would join us at the opening.

In my language we end our public statements by simply saying, Quyanaqpak, or Thank you very much.

Mr. COLE. Thank you.

If we may, Julie Roberts, Vice President—is it the Tanana?

Ms. ROBERTS. Tanana.

Mr. COLE. Tanana. Thank you very much—Chiefs Conference.

WEDNESDAY, APRIL 24, 2013.

TANANA CHIEFS CONFERENCE

WITNESS

JULIE ROBERTS-HYSLOP

Ms. ROBERTS-HYSLOP. Thank you. Thank you very much. It is an honor and a privilege to be here and I really appreciate, you know, your taking this time to hear from us. As you know, we have a lot of need out there in Indian Country, and just allowing us the opportunity to be heard is very much appreciated by all of us.

My name is Julie Roberts-Hyslop. I am the recently elected vice president of Tanana Chiefs Conference, a consortium of 39 federally recognized tribes in the interior of Alaska. I also currently serve as the president of our tribe in Tanana. And our territory, which is mostly roadless, is almost the size of Texas, and so it is very huge.

TCC is a cosigner of the Alaska Tribal Health Compact awarded under Title V of the Indian Self-Determination Act. And I will be testifying on two matters. First, I will provide an overview of the Joint Venture Construction Program can specifically address TCC's joint venture staffing needs. 2nd, I will explain the impact suffered by the TCC and others from contract support cost shortfall and how the shortfall will have the most impact of those entities starting to operate replacement or joint venture facilities in fiscal year 2013.

As you know, the Joint Venture Construction Program is authorized in Section 818 of the Indian Health Care Improvement Act. The authorization directed the Secretary of HHS to make arrangements with tribes to establish joint venture projects. The program is executed through a JVCP agreement—a contract—in which a tribal entity borrows non-IHS funds for the construction of a tribally owned health facility, and in exchange, the IHS promises to lease the facility, to equip the facility, and to staff the facility.

And in the Conference Report which accompanied the Department of Interior, Environment, and Related Agencies Appropriation Act of 2010, the conferees explained the importance of the Joint Venture Program. That program is a unique way of addressing the persistent backlog in IHS health facility construction projects serving American Indians and Alaska Natives. The conferees reported they "believe that the Joint Venture Program provides a cost-effective means to address this backlog and to increase access to healthcare services for American Indians and Alaska Natives. The conferees are aware that IHS is currently reviewing competitive applications from tribes and tribal organizations to produce a patent in the 2010 Joint Venture Program and encourages the service to move forward with the process in an expeditious manner."

So Tanana chiefs, they went ahead and they borrowed the money and we build a facility under budget and ahead of schedule. And we just opened our facility in early December and so we are using it right now.

So the IHS signed a legally binding Joint Venture Construction Agreement with TCC. In the agreement, IHS agreed to "request funding from Congress for fiscal year on the same basis that IHS request funding for other facilities." Given that IHS has requested funding for the various in JVC projects across the country at different percentages and not in correlation to clinic opening dates, it appears that IHS has not requested funding on the same basis across all facilities.

TCC is deeply appreciative of the Committee's efforts to secure some funding for 2013. So according to the agreement with the IHS, TCC's staffing package funding should be $29.4 million, requiring an increase of $19.4 million over our 2013 funding level. If the President's proposed $77 million staffing increases for 2014 are supported in applied to the fiscal year 2013 increase, this will make it right the wrong TCC experienced. But if, as IHS indicates, they are above the 2012 level, they are woefully insufficient.

Secondly, I want to ask your support for the contract support shortfall. Related to the Joint Venture Construction Program is our concern that IHS requested funding for contract support costs. These costs are owed to the tribes and tribal organizations like TCC that perform contracts on behalf of the United States pursuant to the Indian Self-Determination Act. Contract supports are fixed and fully audited costs which we incur and must spend to operate IHS programs and clinics. The law and our contracts say that these costs must be reimbursed and the Supreme Court ruled so twice.

The problem is that for 2014 IHS has requested only a $5.8 million increase over fiscal year 2012 levels, up to $477 million. So I am just asking that we have your support for contract support costs that is owed to our tribes and our tribal organizations that operate contracts on behalf of our Indian people.

I just want to thank you very much for your time today.

[The statement of Julie Roberts follows:]

Julie Roberts-Hyslop, Vice President
Tanana Chiefs Conference

Testimony for the Subcommittee on Interior, Environment and Related Agencies on the Fiscal Year 2014 Budget.

Members of the Committee, Thank you for the honor of presenting testimony today.

My name is Julie Roberts and I am the Vice President of the Tanana Chiefs Conference and the President of Tanana Tribal Council. TCC is a non-profit intertribal consortium of 39 federally recognized Tribes located in the Interior of Alaska. TCC serves approximately 13,000 Native American people in Fairbanks and our rural villages. Our traditional territory and current services area occupy a mostly roadless area almost the size of Texas, stretching from Fairbanks clear up to the Brooks Range, and over to the Canadian border.

TCC is a Co-Signer of the Alaska Tribal Health Compact, awarded under Title V of the Indian Self Determination Act. I will be testifying on two matters. First, I will provide an overview of the Joint Venture Construction Program and specially address TCC's Joint Venture staffing needs. Second, I will explain the impact suffered by TCC and others from the contract support cost shortfall, and how that shortfall will have the most impact for those entities starting to operate replacement or joint venture facilities in fiscal year 2013.

1. TCC requires its full staffing package in FY 2014, which is already one year past what was contractually agreed to in our Joint Venture Agreement.

The Joint Venture Construction Program is authorized in Section 818(e) of the Indian Health Care Improvement Act, Public Law 94-437. The authorization directed the Secretary of HHS to make arrangements with Indian tribes to establish joint venture projects. The program is executed through a JVCP agreement—a contract—in which a tribal entity borrows non-IHS funds for the construction of a tribally owned health care facility, and, in exchange, the IHS promises to lease the facility, to equip the facility and to staff the facility.

In the Conference Report which accompanied the Department of the Interior, Environment, and Related Agencies Appropriation Act, 2010, the conferees explained the importance of the Joint Venture program. That program is a unique way of addressing the persistent backlog in IHS health facilities construction projects serving American Indians and Alaska Natives. The conferees reported, "The conferees believe that the joint venture program provides a cost-effective means to address this backlog and to increase access to health care services for American Indians and Alaska Natives. The conferees are aware that IHS is currently reviewing competitive applications from Tribes and Tribal organizations to participate in the 2010 joint venture program and encourage the Service to move forward with the process in an expeditious manner."

IHS followed the direction of Congress and the Conference Report. In 2010, IHS signed a legally binding Joint Venture Construction Agreement with TCC. In the agreement, IHS agreed to "request funding from Congress for Fiscal year on the same basis as IHS requests funding for

any other Facilities." Given that IHS has requested funding for the various JV projects across the country at different percentages and not in correlation to clinic opening dates, it appears that IHS has not requested funding on the same basis across all facilities.

TCC is deeply appreciative of the Committee's efforts to secure some FY 2013 funding for joint venture projects, notwithstanding the general sequestration. We thank every Member of this Committee for the remarkable accomplishment. At the same time, it is a fact that funding for our Joint Venture project in FY 2013 will only be 1/3rd of the total staffing package IHS owes TCC (or around $10 million). TCC had to invest in new program staffing to be ready to open our doors—including staffing for labs, radiology, facility maintenance and support—which does not include the additional clinical staffing that was added to meet the current demand. The additional staffing cost TCC approximately $9 million. When added to the $5.4 million bond payments and the $600,000 in utility payments, TCC's total deficit is $15 million this year. Even accounting for the $10 million for TCC in this year's budget, we will still have $5 million in operational deficit.

According to the agreement with IHS, TCC's staffing package funding should be $29.4 million–requiring an increase of $19.4 million above our FY 2013 funding level. If the President's proposed $77 million staffing increases for FY 2014 are supported and applied to the *FY 2013* increases, this will make right the wrong TCC experienced. But if, as IHS indicates, they are above the *FY 2012* levels, they are woefully insufficient.

Last year IHS justified paying less because it believed we would not be able to staff up fast enough to spend the funds. But we have long been fully operational and the only barrier to hiring staff is IHS's failure to honor its commitment. This is clear from the fact that, in order to open our doors, TCC invested $9 million in new staffing and several providers are currently interested in working for us.

IHS has written that our Joint Venture partnership is a model for what can be achieved between Tribal Health Organizations and IHS to improve access to care for American Indian and Alaska Native people. TCC is holding up our end of the Joint Venture agreement. We need IHS, and Congress, to hold up the government's end. This will require $19.4 million in FY 2014. This will be one year late, but at least the commitment will finally be honored.

2. The Administration's contract support cost request will worsen the national CSC shortfall and require further program cuts for Self-Determined Tribes; the burden will fall especially hard on Tribes operating recent new facilities.

Related to the Joint Venture Construction Program is our concern with IHS's requested funding for contract support costs. These costs are owed to Tribes and tribal organizations like TCC that perform contracts on behalf of the United States pursuant to the Indian Self-Determination Act. "Contract support costs" are the fixed and fully audited costs which we incur and must spend to operate IHS's programs and clinics. The law and our contracts say that these costs must be reimbursed. The Supreme Court, twice, has so ruled.

The Indian Self Determination Act depends upon a contracting mechanism to carry out its goal of transferring essential governmental functions from federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the Act requires that IHS fully reimburse every tribal contractor for the "contract support costs" that are necessary to carry out the contracted federal activities. (Cost-reimbursable government contracts similarly require reimbursement of "general and administrative" costs.)

Full payment of fixed contract support costs is essential: without it, offsetting program reductions must be made, vacancies cannot be filled, and services are reduced, all to make up for the shortfall. In short, a contract support cost shortfall is equivalent to a program cut.

Funding contract support costs in full permits the restoration of Indian country jobs that are cut when shortfalls occur. The FY 2010 reduction in the contract support cost shortfall produced a stunning increase in Indian country jobs. Third-party revenues generated from these new positions will eventually more than double the number of restored positions, and thereby double the amount of health care tribal organizations like ours will provide in our communities.

The problem is that for 2014, IHS has requested only a $5.8 million increase over FY 2012 levels, up to $477 million. Yet, the current shortfall is $140 million, with a total projected $617 million due all tribal contractors. At that, the IHS projected shortfall does not include contract support costs associated with facilities staffed up in FY 2013 and FY 2014. Against these numbers, a $5.8 million increase is not just inadequate; it is shameful.

When contract support costs are not paid, we have no choice but to take the shortfall in funding out of the programs themselves. Letting the CSC shortfall increase, on top of underfunding TCC's JV staffing requirements, will end up punishing tens of thousands of Native beneficiaries in Alaska. The government has a legal duty and trust responsibility to provide for the full staffing packages and the full contract support costs which the government, by contract, has committed to pay. We are not expecting a favor; we are expecting the government to hold up its end of the bargain.

It is not only illegal but immoral for IHS (and BIA, too) to structure their budgets in such a way that they cut only tribally-administered IHS and BIA programs—not IHS-administered or BIA-administered programs, but only tribally-administered programs—in order to meet the agencies' overall budget targets. The thousands of Alaska Native patients and clients who we serve should not be punished because those services are administered under self-governance compacts instead of directly by IHS or the BIA.

As I mentioned last year, I am particularly concerned about this issue as we plan for FY 2014. In FY 2014 TCC projects an increased contract support cost requirement of $6 million associated with the new clinic. As it is, remember that IHS has only committed to staff TCC's clinic at 85% of capacity. If none of TCC's contract support cost requirements to operate the new clinic are covered, the resulting $6 million cut in staffing will drop the clinic to 65% of staffing capacity—even if the full JV staffing package is funded, and much less if it is not. This will severely compromise TCC's ability both to administer the new facility and to meet our debt obligations. Worse yet, services to our people will be gravely compromised.

We understand that the dollars required to finally close the gap in contract support cost requirements are large, but this is only because the problem has been allowed to snowball over so many years. Once a budget correction is made to finally close the contract support cost gap inside both agencies, maintaining full funding of contract support costs on a going-forward basis will be much more manageable.

This is why TCC respectfully requests that the IHS appropriation for CSC be increased by $140 million above the President's recommended level, to $617 million, and that the BIA appropriation for CSC for FY 2013 be similarly increased to $242 million.

Whatever the Committee chooses to do, the answer is, unequivocally, ***not*** to legislatively amend the Indian Self-Determination Act to cut off our rights to compensation for IHS's contract under-payments. Yet that is precisely what the President's Budget proposes -- cutting off the rights which currently exist under section 110 of the Act to sue the government when we are not paid.

This is rank discrimination -- ***racial*** discrimination -- and it must stop. No other contractor in the United States performs work for the government only to be told that it has no right to be paid. The very suggestion is ludicrous. Last year the Supreme Court in the Ramah and Arctic cases said so, and they said that our contracts are just as binding as any other contract. That is the law. The answer to those rulings is not to change the law. The answer is to honor the contracts.

We are shocked to see the Administration unilaterally propose changing the law so radically, and to see the Administration actually suggest that we be paid only what the Administration tells the Committee it will pay us, in a secret table it will provide to the Committee sometime next year. The very suggestion is enough to make us consider turning these contracts back over to IHS. Let's see if IHS can do as good a job for our tribal people as we do.

The fact is, IHS cannot do this work. All we ask is to be treated fairly, just like other contractors. The government sets our indirect cost rates -- not us -- and just like other contractors the government should pay those rates in full. If it cannot, or will not, prioritize those payments, then just like other contractors we must continue to be able to vindicate our rights under the Contract Disputes Act. Anything else is un-American, forcing us to do work without paying us what is due.

The Supreme Court has not once, but twice, told the government what to do: honor our contracts. The time is here to do just that.

Members of the Committee, thank you for the honor of presenting testimony today.

Mr. COLE. Thank you.

Patty Brown-Schwalenberg, Executive Director of the—is it Chugach?

Ms. BROWN-SCHWALENBERG. Chugach.

Mr. COLE. Chugach Regional Resources Commission. Thank you.

WEDNESDAY, APRIL 24, 2013.

CHUGACH REGIONAL RESOURCES COMMISSION

WITNESS

PATTY BROWN-SCHWALENBERG

Ms. BROWN-SCHWALENBERG. Thank you, Mr. Chairman. And thank you for the opportunity to testify before you today. And I would also like to thank you for continuing to have these hearings every year because, as you have heard from my colleagues at the table here and probably from the colleagues sitting in the audience, that it is important to be heard and it means a lot for the communities in Alaska in particular but probably across the country to be able to share their concerns with those of you who make decisions on our behalf.

I would also like to thank Congressman Don Young for taking the time. He is not here but he came and introduced us ahead of time, and I always appreciate the time he takes to recognize his constituents from Alaska.

The Chugach Regional Resources Commission is a nonprofit coalition of tribes located in south-central Alaska, Lower Cook Inlet, and Prince William Sound, and we were created by the federally recognized tribes to address specifically subsistence, natural resource issues of concern to the tribes. So we are not a corporation but we are what I call sister organizations to Chugach and Chugach, Alaska. So while they deliver the Health and Human Services and education type services and then the 4-private businesses, we focus specifically on natural resource management type issues.

So in regards to the fiscal year 2014 budget, we urge you to work together to pass an appropriations bill by September 30 of 2013. That would be wonderful. I do not know if it would ever happen but it does cause hardship to our organization anyway. We are a small organization. We operate maybe $2.5 million a year and we have not received our funding this here yet. And so we have had to get a $100,000 loan from the bank and we are still waiting to receive our funding. So that gives us a cash flow problem and we have to try to get the projects running any way we can until that funding comes in. And part of it is because the budget is not passed in, you know, a timely manner, and of course sequestration and the Continuing Resolutions are issues, too. But, you know, if we can streamline the process, it would be really helpful for those of us who have small budgets.

We are, however, including in the 2014 budget again this year and we are thankful for your continued support for the $350,000 that we do get through the BIA Trust-Natural Resources program. And we also support the proposed increases that are in the Administration's budget for Trust-Natural Resource programs. Particu-

larly, there is some extra funding to support Youth in Natural Sciences, and that is very important for us because we have been striving and working in natural resource education to try to urge students to pursue degrees in the natural sciences. We have a shellfish hatchery and we support through the University of Alaska-Anchorage Ph.D. candidates and master's students, some of which are native students. But we would really like to be able to some sort of stipend or some kind of support for these students so that we can continue to support the research in the shellfish research areas and other areas of natural resource management that we do.

And we also support the $10 million increase for climate change. As you know, it is only $200,000 right now, so any kind of increase would be very helpful. In Alaska we are experiencing population declines of both salmon and shellfish and ocean acidification is becoming an issue. So this funding would help us participate in those climate change discussions that are going on with other federal agencies and oftentimes not in a greater even in Alaska, so it is hard to participate even though Alaska is the northernmost state in the union.

In regards to the Fish and Wildlife Service portion of the budget, I see that there is an increase in the budget but part of the funding for the Alaska Natives is for migratory bird management and the amendment to the Migratory Bird Treaty Act allows for spring and summer subsistence harvest of migratory birds, and along with that, the Alaska Natives have an organization called the Alaskan Migratory Bird Co-Management Council. It is made up of one state representative, one federal representatives, and 10 native representatives. They set the regulations for the harvest of each spring and summer hunt or set the regulations, excuse me.

The Fish and Wildlife Service sets this money aside at the Region 7 level, but it is not guaranteed, and so we would like to ask you to allocate $1 million of this increase in the Fish and Wildlife Service budget to the Alaskan Migratory Bird Co-Management Council. And that would provide us more stable funding. And it is the current amount that they spend on AMBCC right now.

And then, finally, I just wanted to echo just what everybody else that has spoken before me today on the contract support costs. You know, as everyone has said, this reverses the Supreme Court victories that direct the U.S. to honor fully the Indian self-determination contracts and agreements, so we do not support this Administration's amendments to the appropriations process and we also support any kind of consultation with tribes before this decisions are made.

Thank you very much for your time.

[The statement of Patty Brown-Schwalenberg follows:]

TESTIMONY OF
PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR
CHUGACH REGIONAL RESOURCES COMMISSION
HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FY2014 BUDGET
APRIL, 2013

As Executive Director of the Chugach Regional Resources Commission ("CRRC"), located in Alaska, I am pleased to submit this testimony reflecting the needs, concerns and requests of CRRC regarding the proposed FY 2014 Budget. As is everyone, we are aware of the ongoing economic problems in the United States, and the growing concern over the federal deficit. While the government is trimming its spending, the federal government must still fulfill its legal and contractual spending obligations. The Bureau of Indian Affairs not only has a legal and contractual obligation to provide funding for the CRRC, but the CRRC is able to translate this funding into real economic opportunity for those living in the small Alaska Native villages located in Prince William Sound and Lower Cook Inlet.

We have reviewed the President's FY2014 Budget and while we recognize and can appreciate the economic challenges set before you, we urge you to work together to pass an appropriations bill before the fiscal year end on September 30, 2013. The CRRC has yet to receive any of its FY2013 funding from the Bureau of Indian Affairs. We are a small Alaska Native nonprofit organization and as such, do not have the capital to carry the projects in the villages for an extended period of time. In order to keep the projects running, we had to obtain a $100,000 line of credit from the bank. Given the time taken to pass a budget and the Department of Interior's change to an electronic financial reporting system, the operations of CRRC projects and those of other Tribal organizations have been placed in jeopardy. The process currently in place that allows this amount of time to pass before getting the much needed funding to the Tribes must be improved.

We describe first, our specific requests and recommendations on the budget, and then why these are so important to us and the Alaska Native Villages and their members who we serve.

1. Budget Requests and Recommendations.

CRRC funding. We are once again very pleased that the BIA has recognized the importance of natural resource funding for CRRC and has requested $350,000 for CRRC in FY 2014 as part of the Trust-Natural Resources program, Tribal Management/Development subactivity. In its FY 2014 Budget Justification, the BIA recognized CRRC's role in developing the capabilities of its member Alaska Native Villages to better facilitate their active participation in resource use and allocation issues in Alaska. We urge the Subcommittee to include CRRC funding as proposed by the BIA.

BIA Trust-Natural Resources Management. We support the President's overall proposal to increase the BIA's Trust – Natural Resources Management programs, particularly the

increases to Fish, Wildlife and Parks, and funding for projects that engage youth in the natural sciences. We urge the Subcommittee to support this funding and include it in the final bill.

U.S. Fish & Wildlife. The President is proposing a significant increase to the U.S. Fish & Wildlife Service budget. Currently, Tribes in Alaska manage migratory birds through the Alaska Migratory Bird Co-Management Council (AMBCC), a regulatory body comprised of state, federal and Native representatives who develop regulations for the spring-summer harvest of migratory birds. The funding for this management program is provided and administered by the U.S. Fish & Wildlife Service; however, this funding is provided by decision of the Region 7 Regional Director on an annual basis and is financially inadequate to address all of the migratory bird issues currently being addressed by the AMBCC. We are requesting that $1 million of the proposed increase to the USFWS budget be designated to the Alaska Migratory Bird Co-Management Council.

Contract Support Costs. In regards to Contract Support Costs, the Administration is proposing to cap FY2014 CSC payments to each Tribe. This action would reverse Supreme Court victories that directed the United States to honor fully Indian Self-Determination Act contracts and agreements. We do not support this proposed cap, nor do we support any amendments to the Indian Self-Determination through the appropriations process without any advance consultation with Indian and Alaska Native Tribes.

2. **Justification for CRRC's Budget Requests**

The importance of adequate funding for these programs is based on the following.

Chugach Regional Resource Commission History and Purpose. CRRC is a non-profit coalition of Alaska Native Villages, organized in 1987 by the seven Native Villages located in Prince William Sound and Lower Cook Inlet in South-central Alaska: Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe. CRRC was created to address environmental and natural resources issues and to develop culturally-sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages' action to create a separate entity demonstrates the level of concern and importance they hold for environmental and natural resource management and protection – the creation of CRRC ensured that natural resource and environmental issues received sufficient attention and focused funding. The BIA, in its FY Budget Justification, summarizes CRRC's work, stating

> Initially, the emphasis of the CRRC natural resource program was on the development of fisheries projects that would provide either an economic base for a village or create economic opportunities for tribal members. In FY 1996, CRRC initiated a natural resource management program with the objective of establishing natural resource management capabilities in the villages to facilitate their active participation in resource use and allocation issues that affect the tribes and their members. The success of these programs from both an economic and a social standpoint have made them an integral part of overall tribal development.

Through its many important programs, CRRC has provided employment for up to 35 Native people in the Chugach Region annually – an area that faces high levels of unemployment – through programs that conserve and restore our natural resources.

An investment in CRRC has been translated into real economic opportunities, savings and community investments that have a great impact on the Chugach region. Our employees are able to earn a living to support their families, thereby removing them from the rolls of people needing state and federal support. In turn, they are able to reinvest in the community, supporting the employment and opportunities of other families. Our programs, as well, support future economic and commercial opportunities for the region – protecting and developing our shellfish and other natural resources.

Programs. CRRC has leveraged its $350,000 from BIA into almost $2 million annually to support its several community-based programs. Specifically, the $350,000 base funding provided through BIA appropriation has allowed CRRC to maintain core administrative operations, and seek specific projects funding from other sources such as the Administration for Native Americans, the State of Alaska, Bureau of Indian Affairs, U.S. Forest Service, U.S. Fish & Wildlife Service, the U.S. Department of Education, the *Exxon Valdez* Oil Spill Trustee Council, the North Pacific Research Board and various foundations. This diverse funding pool has enabled CRRC to develop and operate several important programs that provide vital services, valuable products, and necessary employment and commercial opportunities. These programs include:

Alutiiq Pride Shellfish Hatchery. The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. The 20,000 square foot shellfish hatchery is located in Seward, Alaska, and houses shellfish seed, brood stock and algae production facilities. Alutiiq Pride is undertaking a hatchery nursery operation, as well as grow-out operation research to adapt mariculture techniques for the Alaskan Shellfish industry. The Hatchery is also conducting scientific research on blue and red king crab as part of a larger federally-sponsored program. Alutiiq Pride has already been successful in culturing geoduck, oyster, littleneck clam, and razor clam species and is currently working on sea cucumbers. This research has the potential to dramatically increase commercial opportunities for the region in the future. The activities of Alutiiq Pride are especially important for this region considering it is the only shellfish hatchery in the state, and therefore the only organization in Alaska that can carry out this research and production.

Natural resource curriculum development. Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC has developed and implemented a model curriculum in natural resource management for Alaska Native students. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. In addition, we are working with the Native American Fish & Wildlife Society and Tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

In addition, we have completed a K-12 Science Curriculum for Alaska students that integrates Indigenous knowledge with western science. This curriculum is being piloted in various villages in Alaska and a thorough evaluation process will ensure its success and mobility to other schools in Alaska.

Alaska Migratory Bird Co-Management Council. CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives, as well as conducting harvest surveys and various research projects on migratory birds of conservation concern. Our participation in this state-wide body ensures the legal harvest of migratory birds by Indigenous subsistence hunters in the Chugach Region.

Statewide Subsistence Halibut Working Group. CRRC participates in this working group, ensuring the halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach Region.

Conclusion

We urge Congress to sustain the $350,000 included in the BIA's FY 2013 budget for CRRC. We further ask the Committee to support the President's requests for increased funding for the BIA's Trust Natural Resources Management and to for Fish and Wildlife Service, but to designate $1 million of the proposed increase to the USFWS budget to the Alaska Migratory Bird Co-Management Council. We also urge Congress to reject the Administration's proposal to cap contract support costs.

We appreciate the opportunity to submit this important testimony.

Mr. COLE. Thank you very much.

Dr. Donna Galbreath, Medical Director, the Southcentral Foundation.

WEDNESDAY, APRIL 24, 2013.

SOUTHCENTRAL FOUNDATION

WITNESS

DONNA GALBREATH

Ms. GALBREATH. Hi.

Mr. COLE. Hi.

Ms. GALBREATH. I want to thank you for listening to our voices. I am Donna Galbreath, Medical Director of Quality Assurance for Southcentral Foundation. Southcentral Foundation is a tribal organization that compacts under Title V of the Indian Self-Determination Act. For more than 25 years SCF has carried out Indian Health Service program. SCF provides medical, dental, optometry, behavioral health, and substance abuse treatment services to 58,000 Alaska Native and American Indian beneficiaries living within Anchorage, the Matanuska-Susitna Borough, and 55 villages. In addition, we provide 60,000 people selective services throughout the State of Alaska.

Three years ago, SCF and Indian Health Service entered into a binding joint venture contract. SCF agreed to construct a new primary care clinic in the Mat-Su Valley using borrowed funds. In return, IHS agreed to provide the supplies and 85 percent of staffing for operations and maintenance. SCF opened the clinic in 2012 and IHS provided 2 million of an IHS 85 percent calculated staffing need of 27 million. We appreciated this since IHS did not anticipate us opening in 2012.

In 2013, IHS's budget requests half of the staffing requirements. We do appreciate this also, but to be very frank, the amount and timing of this payment has caused severe cutbacks. SCF has only been able to provide medical services, wellness and physical therapy and minimal behavioral health. And the medical service, wellness, and physical therapy is also quite limited. There is nothing in the way of dental, lab, optometry, audiology, OB/GYN, pediatrics, home healthcare, or specialty clinics. Three-quarters of the clinic has not operated this year. We expect this to improve when we receive the funds, but most of the clinic will remain unused. We remain 12 man short and clinic funding.

The second problem is in the budget's inadequate request for contract support cost funding, another contractually required payment. The budget request for 2014 is $477 million, despite projected needs of $617 million. Worse yet, IHS is imposing a cap on contract payments when no caps have ever existed. Caps would be a change in the law and the caps are being kept secret.

If IHS is going to underpay us, we should have the right to go to court to vindicate our contract rights. To cap our contract by statute is essentially to kill the principle of tribal self-governance and convert us to grantees. It is really a step backward.

CSC funding reimburses SCF fixed costs of running its contracts with IHS. If IHS fails to reimburse these costs, SCF will have no choice but to cut positions, which in turn cuts services, which in turn cuts collections, which in turn cuts even more services to our people. SCF contract support cost shortfall in 2014 will be almost $9 million plus the remaining $12 million for the new clinic totaling $21 million. That is over 150 healthcare positions.

In 2012 this committee reiterated the binding nature of our contracts and it directed IHS and the BIA to fully fund all contract support cost requirements, yet the IHS budget reflects the view that these contracts are not binding. No other government contractors are treated this way. IHS only treats its contracts with Indian tribes this way, as optional, discretionary agreements that it can choose to pay or not. We provide a contracted service for a contracted price and IHS only pays us what it chooses to pay. This is not the law.

On a related note, IHS does not disclose data for contract support costs in a timely manner. Fiscal year 2011 data is now one year late. 2009 data was 2 years late. The 2014 budget has kept secret the projected CSC requirements. Contract support cost appropriation belongs to the tribes. This committee also needs data for budgetary oversight.

In summary, SCF respectfully calls upon Congress in fiscal year 2014 to require IHS to fulfill its contractual obligations and pay staffing packages in full, eliminate all existing caps on contract payments, provide $617 million in contract support cost funding, and direct IHS to timely disclose IHS data on contract support cost requirements and payment.

Thank you for the opportunity to testify on behalf of Southcentral Foundation and the 120,000 people we serve. Thank you.

[The statement of Ms. Galbreath follows:]

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2013 BUDGET
April 24, 2013

Testimony of Dr. Donna Galbreath
Medical Director - Quality Assurance
Southcentral Foundation

Southcentral Foundation (SCF) is a tribal organization that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act. Under SCF's compact we carry out various Indian Health Service programs across our region. SCF acts pursuant to tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation designated by Congress as an Indian Tribe for purposes of Indian Self-Determination Act activities. Once again, SCF requests that in FY 2014 Congress (1) fully fund our Mat-Su Clinic joint venture staffing requirements, as required by our joint venture contract agreement with IHS since last year, and (2) fully fund SCF's and all other contract support cost requirements at $617 million, as the Supreme Court and other courts required last year.

For more than 25 years SCF has carried out IHS programs under Self-Determination Act agreements. In accordance with its self-governance compact with the Department of Health and Human Services, SCF currently provides medical, dental, optometric, behavioral health and substance abuse treatment services to over 45,000 Alaska Native and American Indian beneficiaries living within the Municipality of Anchorage, the Matanuska-Susitna Borough, and nearby villages. SCF also provides services to an additional 13,000 residents of 55 rural Alaska villages covering an area exceeding 100,000 square miles and larger than the State of Oregon. Finally, SCF provides statewide tertiary OB/GYN and pediatric services for 110,000 Alaska Native people. To administer and deliver these critical healthcare services, SCF employs over 1,400 people.

Today I will focus my remarks on two issues, joint venture funding and contract support cost funding.

1. Joint Venture Funding

The first issue I need to address concerns our joint venture (JV) contract with IHS. Under Section 818(e) of the Indian Health Care Improvement Act, IHS is authorized to enter into JV contracts under which: (a) a Tribe borrows funds to build a facility to IHS specifications, and (b) IHS agrees "to provide the equipment, supplies, and staffing for the operation and maintenance of such health facility." The agreements are contracts; they are enforceable as contracts.

Three years ago SCF and IHS entered into a binding joint venture contract. SCF agreed to construct a new 88,451 square-foot Primary Care Clinic in the Mat-Su Valley of Alaska, using borrowed funds from non-IHS sources. In return, IHS agreed that it "shall provide the supplies and staffing for the operation and maintenance of the Facility ... subject to appropriations by the Congress." At the same time, IHS only agreed to fund 85% of our staffing requirements,

explaining that, on average, IHS facilities are only funded at 85% of their need. See Art. VIII.A. See also Art. VIII.G ("IHS will staff, operate and Maintain the Facility in accordance with Articles XI through XIV of this Agreement."); Art. XI ("As authorized by Section 818(e)(2) of P.L. 94-437 ("subject to the availability of appropriations for this joint venture project, commencing on the beneficial occupancy date IHS agrees to provide the supplies, and staffing necessary for the operation and maintenance of the Facility. The IHS will request funding from Congress on the same basis as IHS requests funding for any other new Facility.")

Last July we received our certificate of beneficial occupancy. IHS, in turn, provided $2 million of our $27 million annual staffing requirement. We appreciate IHS's action, since IHS had not anticipated SCF opening our doors in FY 2012. But now we have been operational all of FY 2013, at an IHS-calculated staffing need of $27 million. Yet, in FY 2013, *IHS's Budget only requested 50% of the Clinic's staffing requirement* ($13.5 million). Despite this disappointing request, we are deeply appreciative of the Committee's efforts in the context of sequestration, made in collaboration with IHS and OMB, to secure at least this partial payment within the FY 2013 Continuing Resolution.

But, we must be perfectly frank with the Committee: the amount and timing of this payment have caused severe cutbacks in Clinic operations. Since we remain $12 million short in Clinic funding -- remember, that is at the IHS 85% funding level -- SCF has only been able to provide about **50%** of the medical service capacity, **30%** of wellness and physical therapy services, only minimal behavioral health services, and **nothing** in the way of dental, lab, optometry, audiology, OB-GYN, pediatrics, home health care, or specialty clinics. **Three-quarters of the Clinic has *not* been operated this fiscal year**, though we expect that to improve when this year's funds arrive. Once those funds arrive, we will be able to begin to expand existing services as originally intended. Still, *most of the Clinic will remain unused.*

It appears the President's Budget request is still insufficient to fully fund SCF's Clinic with the remaining $12 million that is due, *even two years late, in 2014.* The Budget request is insufficient and does not honor the joint venture contract under which we built it. It is legally and morally wrong.

Our message is simple: Before IHS requests, and before Congress funds, discretionary increases in other IHS accounts—even an important account like Contract Health Care (which in recent years *has already seen a 40% increase*)—discretionary increases should be suspended until IHS honors its contracts and pays its staffing packages in full.

2. Contract Support Cost Funding

The second problem is the Budget's inadequate request for contract support cost funding—another contractually required payment to self-governance Tribes like SCF.

The Budget requests an insignificant CSC increase for FY 2014: bringing the total to $477 million. This is the case, despite projections that *the total requirement in FY 2014 is $617 million.* Worse yet, IHS is defying the Supreme Court's Salazar vs. Ramah decision: IHS is imposing a cap on contract payments to each contractor when *no caps have ever existed in those*

payments, reaching back to 1975. This would be a radical change in the law, and one which would go far beyond the work of an appropriations committee. Worse yet, we don't even know what those caps will be for us—everything is being done in secret, and won't be known until long after the appropriation is finalized and we are already performing our contracts.

If IHS is going to underpay us, we should at least have the right to go to Court to vindicate our contract rights. This is how it has always been. To now cap our contract by statute is to essentially kill the principal of tribal self-governance and convert us into grantees—an enormous step backward in the Nation's dealings with Indian Tribes. It is a radical step back, and one we are confident the authorizing committees would never agree to make.

Contract support cost funding reimburses SCF's fixed costs of running its contract with IHS. If IHS fails to reimburse these costs, SCF has no choice but to cut positions, which in turn cuts services, which in turn cuts down on collections from Medicare, Medicaid and private insurers, which in turn cuts off even more staffing and services for our people. The reverse is also true. When in FY 2010 Congress appropriated an historic *increase* in contract support cost funding (thanks to this Committee's leadership), SCF opened 97 positions to fill multiple healthcare provider teams and support staff.

Our fixed contract support costs are largely "indirect costs." Those costs are set by the HHS Division of Cost Allocation. The remainder of our contract support costs (about 20%) are set directly by IHS. These costs include federally-mandated audits, and such items as liability and property insurance, workers' compensation insurance, and payroll and procurement systems. We have to buy insurance. We need to make payroll. We have to purchase supplies and services. We have to track property and equipment. All of these costs are independently audited every year by Certified Public Accountants, as required by law.

SCF's contract support cost shortfall in FY 2014 will be $8.95 million, including the cost of operating the new Clinic ($5.1 million) on top of our existing contract support cost shortfall ($3.85 million). The loss of almost $9 million in contract support costs, plus the remaining $12 million in new Clinic staff funding, totals $21 million. ***That is well over 150 health care positions.***

In 2012, this Committee reiterated the binding nature of our contracts, and it directed IHS (and the BIA) to fully fund all contract support cost requirements. The Supreme Court agreed with this Committee. Yet, the IHS budget justification defies this Committee's direction and reflects the view that these contracts are not binding at all, and are just another priority to be balanced against something else.

No other government contractors are treated this way. IHS only treats its contracts *with Indian Tribes* this way—as optional, discretionary agreements that it can choose to pay or not to pay. We provide a contracted service for a contracted price, but IHS only pays us what it chooses to pay. That is not the law, and this Committee should reject IHS's effort to rewrite the law.

In fiscal year 2014 IHS should finally pay its contract obligations in full, even if this means forgoing other increases, and even if this means cutting IHS's internal bureaucracy. Either the

contract support cost line-item should be fully funded at $617 million, or the capped contract support cost earmark should be eliminated altogether (as was the case prior to 1998). *The Committee should certainly reject the Administration's shocking new proposal to cap individual contracts.* This way, the Committee will preserve the remedies which existing statutory law provides contractors that suffer contract underpayments.

As SCF has said here before, underfunding contact support costs disproportionately balances budgetary constraints on the backs of tribal contractors. Worse yet, it punishes the people being served by forcing reductions in contracted programs. If Congress is going to cut budgets or limit increases, fairness demands that such actions occur in those portions of the budget that are shouldered equally by IHS and the Tribes (as sadly occurred with the sequester). Tribes should not shoulder the full burden of a cut.

Again, SCF respectfully calls upon Congress in FY 2014 to eliminate all existing caps on contract payments. Alternatively, SCF respectfully calls upon Congress to provide $617 million in contract support cost funding. *Every* Tribe has contracts with IHS to carry out some of the agency's healthcare services, and most are still being penalized for taking that initiative. Closing the contract support cost gap will eliminate that penalty and directly benefit the vast majority of Indian and Alaska Native communities served by IHS.

3. Data Disclosure

On a related note, SCF requests that Congress direct IHS to resume promptly disclosing to Tribes *and to Congress* all IHS data on contract support cost requirements and payments. Up until 2011, IHS disclosed such information to the Tribes, albeit informally. Then suddenly IHS stopped—because IHS was embarrassed by errors in its data. IHS claims the data is protected from disclosure until it is approved by the Secretary. But, the Secretary then holds the report back from Congress for years. *The fiscal year 2011 data is now one year late, even by IHS's own calculations.* The FY 2009 data was *two years* late. The 2014 Budget keeps secret the agency's projected total CSC requirement.

Contract support cost appropriations belong to the Tribes. Tribes have a right to know what is happening to these funds on a timely basis. So does this Committee. We therefore respectfully urge that the Committee eliminate all privileges against disclosure of IHS data if that data is not timely released to Congress under existing law. This way, the Committee can properly perform its budget oversight function, and Tribes, too, can hold the agency accountable.

Thank you for the opportunity to testify on behalf of the Southcentral Foundation and the 58,000 Native American people we serve.

Mr. COLE. Thank you very much. Let me make a couple of comments before I go to my colleagues for their comments and their questions.

First, many of you in the preceding panels have been kind enough to thank this committee for hearing. Let me first acknowledge thank you for coming such a long way. It is extraordinarily helpful to us to have you do that. And let me also quickly acknowledge this was a custom on this committee that former Chairman Dicks established and I do not know if somebody else did it before him, but it was going when I got here. And I found it absolutely invaluable as a new member of the committee. I know a lot about Oklahoman Indians; I did not know a whole lot about Washington Indians, let alone Alaska Indians.

So the complexity and diversity of Indian Country is always on display, and I assure you that it is not just a matter of hearing you; it is enormously helpful to us when we draft the legislation that you have taken the time to present the testimony and come this far. And I know how helpful it is to our staff as well. So just thank you very much.

Second—and I speak only for myself in this—I have heard this concern expressed repeatedly over multiple panels—and I am sure my colleagues have as well—about language in the President's budget that caps payments and forgives previous obligations. I for one would never accept language like that. I mean I think your point is very well made. We may not be able to catch up and do everything we would like. We are working under very difficult circumstances, but I certainly would be—and I want you to know—I would be very opposed to anything to, as you said, turn you into grantees. I thought that was a wonderful turn of phrase.

This committee exists to enhance self-governance as well as fulfill the obligations of the United States toward tribal nations and it has tried to work in that way. So I do not think we are very interested collectively and probably in a bipartisan sense in doing things that limits sovereignty or puts you in the position where you are not free to assert your legitimate claims in court and certainly fully in the political process and here in this testimony.

So thank you for bringing it, though, to our attention so forcefully and so repeatedly. It is helpful. Appreciate that.

Mr. Moran?

Mr. MORAN. Well put, Mr. Chairman. It looks like we can get another panel in before we have votes, so I will pass on further questions.

Mr. COLE. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chairman, I just wanted to point out we have an all-woman panel here, and with your permission, I am going to capture the moment with my phone. This is fabulous.

Mr. COLE. Can I point out for the record Chickasaws are matriarchal.

Mr. MORAN. Are they really?

Mr. COLE. Yes, they are.

Ms. MCCOLLUM. So are the Iroquois and a whole lot of others.

Mr. COLE. Believe me, in my family there is not any question of who ran the show. It was all women.

Mr. MORAN. Well, would not that be a way out of our world problems if that culture spread?

Mr. COLE. Well, and was also a woman that planned our attack on Desoto, so do not think they are all that much different than men.

Ms. MCCOLLUM. We always take care of home.

Mr. COLE. Believe me, they took care of it plenty good.

So thank you very much for your testimony and we will try and get another panel in.

Ms. BROWN-SCHWALENBERG. Thank you.

Ms. GALBREATH. Thanks.

Mr. COLE. If we could, Edward Thomas—I will just call you by name and then we will identify you by title when we call—Ian Erlich, Lorraine Jackson, Carolyn Crowder, and Michael Douglas. Thank you very much.

Okay. Mr. Thomas, President of the Tlingit Haida Central Council.

WEDNESDAY, APRIL 24, 2013.

TLINGIT HAIDA CENTRAL COUNCIL

WITNESS

EDWARD K. THOMAS

Mr. THOMAS. [Speaking native language.] Hello. Thank you very much, distinguished committee members. [Speaking native language.] And my English name is Ed Thomas. I am president of the Tlingit Haida Central Council out of Juneau, Alaska. I join others in thanking you for taking the time to listen to us. You know, it is really important for us to exchange our concerns with you and hopefully you will listen to us.

I provided some graphs, and I know time is limited, so I am going to go through them fairly rapidly. I hope you will follow me. The first graph that I provide for you shows that since about 1980 the per capita expenditures for this nation has constantly gone down for Native Americans while the per capita expenditure for the rest of the population has gone up. This was put together by the—at the time they called it the Congressional Budget Office. I guess it is Congressional Resources now. But I really would like to see if this committee could have that upgrade updated to cover this last decade.

The second slide is the trends of Indian funding within the Department of Interior. You will see from 2004 to 2011, well, Park Service has gone up about 26 percent and BIA only went up by 11 percent, just about the rate of inflation up until that time.

The next slide covers that if we include 2012 you will see that the Indian Affairs went down to 8 percent of the Department's budget while Fish and Wildlife went up 30 percent and Park Services by 28 percent.

We have been talking about sequestration and we tightened our belts and absorbed 5.2 percent of the cutbacks, but if you look at what happened since 2010, you can see that the cutbacks to Indian programs was even greater; Indian Housing Block Grant, 21 per-

cent; Indian student education. And you can go down the line on that table.

The next slide is pretty important because we talk about what has happened within the Bureau of Indian Affairs itself once it got the money. TPA is the Tribal Priority Allocation, the money that goes to the tribes, and you will see that from 2002 to 2008 TPA went down by nearly $60 million, and look down a couple lines down and you are going to see that the Central Office went up $116 million, a very big increase.

And then look at the next slide. Even under the President's budget for 2012, you can see that the BIA programs, they are requesting a negative $120 million while you had an increase of 130 or $140 million for Park Service.

Okay. Let's look at this year then. As I talk about we absorb sequestration to the same degree as everybody else, but now that we are getting past that and getting a new budget cycle, the entire Department of Interior has gone up by 4 percent under the President's budget. And if you take the BIA part out, all of those other agencies goes up by 5.1 percent. While the BIA programs go up 1.2 percent and if you take out the $10 million indirect cost, it only goes up by .8 percent. And if you were to look at it on an equitable basis, we should have seen an increase within the BIA budget itself by $134 million.

Now, some of this stuff seems to run together, and I understand that when you deal with numbers long enough that that is kind of what happens. I am going to say that it really is important for us in our tribal contracts to keep up with our cost. We try to spend within our budgets.

You have heard some discussions about indirect cost and the courts have always agreed that the government should pay its fair share on the contracts they sign with us, and that really is important because this is a nation of laws. The indirect cost issues are put forth because of laws, and this is one of the laws where the country can site that very easily by saying well, gee whiz, it is a contract but we really do not have enough money.

And if you look at that slide that I gave you that showed the growth within the Central Office's Bureau of Indian Affairs, people say, well, gee whiz, where are we going to get that extra money for indirect cost? That is where it has got to come from. They took that money from us in the first place from our tribal programs and so that is where it should come from or maybe if there is not enough there from other Department of Interior programs.

I going to close by saying that I have been managing Indian contracts and programs since 1976, and during my earlier years, I came here and listened to the testimony from some of our Indian lawyers like Wendell Chino, Joe de la Cruz, Roger Jourdain, and I used to wonder, you know, when they got so upset and so impatient that when they spoke, they spoke very strongly and right on the borderline of being disrespectful.

But as I get older—and I am just past my 70th year now and this is going to be my last time testifying on behalf of my tribe because I am not quite be seeking office again—but I know why they were impatient now. We come here, we talk with the Administration, I met with President Obama all four times that he had meet-

ings with tribes, I met with President Bush, I met with his dad, and nothing seems to change. You look at that trend. It is very disappointing. And the problems of our people continue to rise just with growth alone as well as inflation.

And so while I come here in a good way, I feel the frustration of my forefathers and some of the leaders like Roger Jourdain, Joe de la Cruz, and Wendell Chino, and even before them. And so I come here, I thank you for your time. I know you come here with good things. Last year, you did some good things in restoring some of those things that were taken out of the President's budget and I am grateful for that.

I am not asking that you give me any new programs that I really would like to get reimbursed from 2006 to 2012 that cost my tribe $4.5 million. That is not money that we have just kind of laying around. It is money that we came 4th in good faith. We ask that the government reimburse us for these costs not just from BIA contracts but all contracts. And I do not think that is too much. I do not have new things to put on the table. Our needs of our people are great. I am not coming here for that. I just want to get reimbursed for what the government owes me.

Thank you very much.

[The statement of Edward Thomas follows:]

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TESTIMONY OF THE HONORABLE EDWARD K. THOMAS, PRESIDENT
CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
ON THE FY 2014 BUDGET REQUEST -- HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
April 24, 2013

GREETINGS FROM ALASKA! My name is Edward K. Thomas. I am the elected President of the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit Haida), a federally recognized Indian tribe of 27,000 tribal citizens. I am honored to provide this testimony on the FY 2014 budget request for the Department of the Interior and Indian program funding. I commend Congress, and especially this Subcommittee, for holding this hearing and giving tribal leaders an opportunity to provide you our perspective on federal funding for Native American programs. One of the most important legal principles in defining the relationship between the federal government and the Indian and Alaska Native Tribes is that of the fiduciary responsibility the United States has to Tribal governments. This hearing, and your appropriations decisions, are very important tools for you to (a) strengthen the federal government's Trust relationship to Tribal governments, and (b) bend federal priorities toward Tribal priorities and needs.

FUNDING IS NOT BASED ON NEEDS, WHICH ARE MUCH GREATER IN RURAL AREAS. I have been involved in managing federally-funded tribal programs since 1976, and from that experience, I have concluded that the method of formulating federal budgets for the benefit of needy Native Americans is deficient and ineffective. Each year federal budgets are mostly based upon the previous year's funding; this totally disregards the level of unmet needs in Indian Country. This becomes an even bigger problem when it becomes necessary to reduce overall federal funding.

Our nation's poverty level is at the highest level since 1993. 22 million Americans live in poverty. That is 1 in every 6 Americans. 22% of all American children live in poverty. These national poverty levels are much higher in rural, tribal communities. In rural Alaska, higher energy costs have compounded the already depressed economy in these remote areas. The cost of living in certain parts of rural Alaska is nearly twice that of the average cost of living elsewhere in the United States. Electricity costs are often 4 to 5 times higher. Over the past decade funding for Native American programs has not even kept pace with national inflation rates let alone the dramatic inflationary costs in rural Alaska.

NON-BIA AGENCIES HAVE RECEIVED FUNDING PRIORITY IN THE INTERIOR DEPARTMENT. Between FY 2004 and 2012 the Bureau of Indian Affairs (BIA) budget grew 8%. Over that same period of time funding for non-BIA programs in the Department of the Interior grew at a much greater rate: Fish & Wildlife by 30%; Park Services by 27%; Geological Surveys by 18%; and Bureau of Land Management by 13%. It stands to reason that funding to needy tribal communities could be increased to meet our shortfalls in the FY 2014 budget if these non-BIA agencies were reduced to the 2004 funding levels plus 8%.

Under sequestration, the federal government insisted that FY 2013 budget cuts be applied "across-the-board" in order to be equitable. But that approach perpetuates the **inequity** of the past decade, when the Executive and Legislative branches have de-prioritized Indian funding in favor of non-Indian programs at the Interior Department. It would have been far more equitable to apply greater sequester cuts to those Interior agencies which enjoyed greater increases during the past decade. BIA and tribal programs did not equitably participate in funding growths but are forced to equally participate in budget cuts.

While President Obama and Secretary Salazar are to be commended for many of their initiatives toward Indian Country, I must say the President's FY 2014 Interior budget request is extremely disappointing and unfair. The FY 2014 Interior budget request turns the President's priorities for Indian Country upside down. While he says he supports tribal governments, President Obama's FY 2014 budget requests an increase of $455.1 million for **non-Indian** programs at Interior. That's an increase of 5.112% over last year for Interior's non-Indian programs. Compare that to his $31.3 million increase for **Indian** programs at Interior. That's only a 1.236% increase over last year for Indians. How is this fair? How can this be called equitable? How is this putting the needs of Indian Country first? Our tribal programs provide core governmental services to Indian and Alaska Native families, but we somehow rate less than a fourth of the funding increases that are requested for rocks, critters, fish, water, and parks at Interior? In all fairness, this Subcommittee must correct the Administration's mis-judgment and inequitable budget request.

At the very least, I ask that you increase the Indian tribal budget funding levels to match the Administration's budget request of increases for Interior. But beyond that, I additionally ask that this Subcommittee dramatically reverse the Administration's budget priorities towards vital tribal programs and instead apply catch up increases that make up for the past decade of disproportionately lower funding to tribal programs in the face of growing unmet needs.

BIA CENTRAL OFFICE HAS GROWN AT THE EXPENSE OF TRIBAL PROGRAMS. Between FY 2002 and 2008 the BIA Central Office budget grew from $58 million to $175 million; a $117 million (301%) increase. In the same period, funding for Tribal Priority Allocations (TPA) was reduced from $752 to $695 million; a $58 million (7.6%) decrease. I respectfully request that tribal FY 2014 budgets within BIA be increased commensurate to the 5.112% increase in the overall Interior FY 2014 budget request but that you strictly apply the increase to tribal government programs and services and not to BIA administrative operations.

TLINGIT HAIDA TRIBAL TRUST FUNDS SHOULD NOT HAVE TO PAY FOR FEDERAL RESPONSIBILITIES. The single biggest factor that financially undermines Tribal Self-Determination and Self-Governance is the federal practice of underfunding or putting caps on indirect costs or Contract Support Costs (CSC). The CSC shortfalls and underfunding have cost my Tribe a total $4,443,438 from 2006 through 2012; an average of $555,430 per year. During this same period, my Tribal government provided $214.7 million ($26.4 million annually) in contractual program services to assist our needy Tribal citizens. While our people are grateful for the programs designed to help our needy Tribal citizens, we cannot afford to continue to pay this amount of Tribal money to manage these important federal service contracts. Simply put, the difference between the way indirect costs are calculated and the way they are paid by the United States creates an ever-tightening chokehold on my Tribe's ability to administer federal programs. If we follow the law and spend the administrative costs we are required to spend, federal law provides us less and less money to meet these federally-required expenditures. The

more we spend, the less we get. The less we spend, the less we get. Both Congress and the federal agencies have caused this crisis. Together we can solve it.

Federal law specifically states that a tribe who contracts for the management of a federal contract is entitled to the same administrative support as the federal government itself would have were it to retain the management of that contract. Appropriations legislation that underfunds contract support costs violates this provision of federal law and severely undermines the concept of tribal Self-Determination.

Tlingit Haida diligently tries to abide by federal laws that set our indirect cost rates and to live within other federal appropriations laws that provide us much less than the federal government's own audits say we should collect from each agency to manage contracts for them. We were forced to pull more than $4 million over the past four years out of our modest Trust Fund earnings in order to meet the CSC shortfall costs we were stuck with by the United States. We cannot continue to afford to pay for these federal responsibility costs going into the future. There are no gaming tribes in Alaska; the economy in rural Alaska is weak to non-existent; and unemployment rates in some of our villages often exceed 50%.

INDIRECT COSTS ARE FIXED COST REQUIREMENTS. If indirect costs were not primarily "fixed" costs, the recurring problem of a shortfall in BIA CSC funding would, perhaps, be survivable. But most of our actual indirect costs are "fixed". For example, typically the most cost-effective way to acquire facility space or equipment is through a long-term lease with locked-in costs. Similarly, package deals for telephone and some forms of transportation offer significant cost savings over time. And obviously, the salary and benefit costs of accounting, administrative, and management staff must be treated as "fixed" or else we cannot hire or keep employees. When federal agencies do not send us 100% of the funds required by our federally-set indirect cost rate, we have a shortfall associated with our operation of BIA programs and something has to give.

We refer to tribal CSC funding as a "requirement" -- not a "need". CSC costs are requirements because they are derived from audits conducted by the National Business Center (NBC) on behalf of the federal government who sets rates that are used uniformly by all federal agencies with which Tlingit Haida manages a contract or grant. The rates use actual expenditures from prior years to project costs in the future year. Once our federally-established indirect cost rate is set, federal law requires that our Tribe apply that federal rate uniformly to all the programs we administer. In other words, federal law requires us to spend money on administrative costs but will not let us charge all of that spending to the federal grants and contracts.

Another problem is that the Single Audit Act requires a tribal contractor's cognizant agency (e.g., Department of the Interior) to audit the indirect costs of the tribal contractor and establish an indirect cost rate that must be applied to all programs the tribal contractor administers. If that rate is 25%, and a program like Head Start caps administrative cost recovery from its funding at 15%, the law requires the tribal contractor to pay the difference from non-federal funds or through a rate increase the following year that will obtain a higher recovery from BIA's contract support cost fund in future years.

Let me be clear. We would spiral into complete financial disaster as a Tribe if we chose to not spend at the budgeted amounts. Failing to pay certain fixed costs would actually increase our costs (breaking leases, terminating employees, breaching contracts). The P.L. 93-638 language which supposedly protects Tribal contractors against theoretical under-recovery does work with respect to BIA funds, but historical underfunding of CSC has caused our Tribe very serious

difficulties in dealing with shortfalls in non-BIA programs for which we must, by law, use the same indirect cost rate. If in year one we don't spend uniformly on all programs, BIA and non-BIA alike, this will increase the approved rate for the following year because the amounts not collected from the agencies are available to add on to the CSC for the subsequent year. Tlingit Haida, in our efforts to keep our CSC indirect cost rates lower has chosen not to carry all of those costs forward and so has had to pay the shortfalls out of non-federal sources. But Tlingit Haida, and many other tribes, have very few non-federal sources of funding. For these reasons, I ask your consideration of including the following bill language in the FY 2013 Interior appropriations law. It would provide flexibility to Tlingit Haida and other tribes caught by a crushing, unfunded federal mandate.

PROPOSED NEW FY 2014 BILL LANGUAGE: "Notwithstanding any otherwise applicable administrative cost limitations, federal funds made available under this or any other appropriations act for fiscal year 2014 to an Indian tribe may, at the option of the tribe, pay for approved indirect costs associated with the administration by the tribe of federal programs under authority other than Pub.L. 93-638, without limiting any claim of the tribe for shortfalls in contract support cost funding pursuant to Pub.L. 93-638, provided that such costs are calculated in conformity with the federally-determined indirect cost rate agreement of that tribe and the relevant OMB circulars." *[Intent and Effect Of Bill Language: The proposed amendment is intended to apply a tribal contractor's uniform indirect cost rate established under the Single Audit Act to recover costs required by that uniform indirect cost rate from each federally-funded award or agreement without regard to any otherwise applicable administrative cost cap limitations otherwise governing those awards or agreements. The proposed amendment would expand existing authority to permit a tribal contractor an additional tribal option -- it would provide tribal authority to use any federally-funded award to meet up to all of a tribe's approved indirect costs that are calculated in conformity with its federally-established indirect cost rate agreement and the relevant OMB circulars without regard to any otherwise applicable administrative cost cap limitations. This would not require any increase in overall federal funding. The funding level of each award would not be affected. It would simply extend flexibility to a tribal contractor to apply its federally-awarded funds to meet federally-required administrative costs. This would be a huge benefit to tribal contractors, like Tlingit Haida, who are providing services in high-cost areas with few or no financial resources other than federal awards and grants.]*

WE ENDORSE THE NCAI POSITION OPPOSING THE ADMINISTRATION'S REQUEST TO CAP CSC. We join with NCAI in opposing the President's request to place individual statutory tribal caps on the payment of contract support costs. We ask that you maintain in FY 2014 and FY 2015 the status quo statutory language on CSC enacted in FY 2013, until there is full tribal consultation on the Administration's proposed new language on individual statutory tribal CSC caps.

CONCLUSION. I respectfully request that the federal government reimburse the Central Council of the Tlingit and Haida Indian Tribes of Alaska the $4,163,350 that we spent out of the trust fund pockets of our people to manage federal programs from FY 2006 to FY 2012. This is money that the federal government would have spent on administration had it managed those programs themselves. I very much understand the serious financial challenges facing the federal government. It is vitally important that there be a balanced approach in addressing federal budget deficits. Balancing our nation's budget on the backs of the programs serving the needy will not work. I thank you for the opportunity to share my views with you. I wish you well in your deliberations and I trust you will make the right decisions on the issues of grave concern to our people.

GUNALCHEESH! HOWA! THANK YOU!

Mr. COLE. Excellent testimony.

Ian Erlich, President and CEO of the Maniilaq Association.

WEDNESDAY, APRIL 24, 2013.

MANIILAQ ASSOCIATION

WITNESS

IAN ERLICH

Mr. ERLICH. Well, thank you, Chairman Cole and committee members for this opportunity to talk with you about a very important issue. Well, my name is Ian Erlich, President and Chief Executive Officer of Maniilaq Association. Maniilaq Association is an Alaska Native regional nonprofit representing 12 tribes in northwest Alaska, and we provide health services through a self-government agreement with the Indian Health Service.

I have submitted a testimony to the Committee that covers more than what I am going to talk about here. The other issues that are in the written testimony discuss village built clinic underfunding by the Indian Health Service, underpayment of contract support costs for Indian Health Service, and also expressing the need to exempt the Indian Health Service from sequestration. So in this testimony I am just going to focus on something that we are looking for support from Congress for, which is advanced appropriations for Indian Health Service.

The need for advance appropriations is based on the need to bring some stability and certainty to the Indian Health Service budget by changing its funding to an advanced appropriations basis. This is what Congress has done with regard to the Veterans Administration medical accounts and we ask for a comparable treatment with regard to the Indian Health Service. The need for the federal health services to maintain and improve the health of American Indians and Alaska Natives are consonant with and required by the Federal Government's historical and unique legal relationship and resulting responsibility to the American Indian and Alaska Native people.

Since fiscal year 1998 there has been only one year—which was 2006—when the Interior, Environment, and Related Agencies Appropriations bill has been enacted by the beginning of the fiscal year. The lateness in enacting a final budget during that time ranged from 5 days in 2002 to 197 days in 2011. Late funding causes the Indian Health Service and tribal healthcare providers great challenges in planning and managing care. It significantly hampers tribal and Indian Health Service healthcare providers' budgeting, recruitment, retention, provision of services, facility maintenance, and construction efforts.

Receipt of funds late also severely impacts Maniilaq's ability to invest the funds and generate interest, which can be used to offset the chronic underfunding of the region's health programs. Maniilaq Association drafts our budget for the coming fiscal year in the spring. A budget must be reviewed, amended, and approved during the ensuing months. However, if we find out that come October, Congress has not enacted an IHS appropriations bill, we are in

limbo and must spend considerable staff time redoing our budget perhaps multiple times.

Providing sufficient, timely, and predictable funding is needed to ensure the government meet its obligation to provide healthcare for American Indian and Alaska Native people. If IHS funding was on an advance appropriations cycle, tribal healthcare providers, as well as the IHS, would know the funding a year earlier than is currently the case and would not be subject to the Continuing Resolutions.

So advance appropriations is funding that becomes available one year or more after the year of the appropriations act in which it is contained. For instance, if fiscal year 2015 advance appropriations for IHS were included in the 2014 Interior, Environment, and Related Agencies Appropriations Act, those advance appropriations would not be counted against the fiscal year 2014 Interior Appropriations funding allocation, but rather would be counted against its fiscal year 2015 allocation. It would also be counted against the ceiling in the 2015 budget resolution, not the 2014 budget resolution.

In 2010 the Veterans Administration medical care programs achieved advance appropriations. This came after many years of veterans' organizations advocating for this change, including enactment of the Veterans Healthcare Budget Reform and Transparency Act of 2009, which authorized advance appropriations and specified which appropriations accounts are to be eligible for advance appropriations. The Act required the Secretary to include in documents submitted to Congress in support of the President's budget detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

The fact that Congress has implemented advance appropriations for the VA medical programs provides a compelling argument for tribes with regard to IHS funding. Both systems provide direct medical care and both are the result of federal policies. Just as the veterans groups were alarmed at the impact of delayed funding upon the provision of healthcare to veterans and the ability of the VA to properly plan and manage its resources, tribes and tribal organizations have those concerns about the Indian Health Service health system.

Senator Lisa Murkowski introduced Amendment 5282 the Senate fiscal year 2014 budget that would be the first step in authorizing advance appropriations for the Indian Health Service. This amendment does not increase funding but would allow IHS to adequately budget their resources and respond to changes in the federal budget without disrupting care to patients.

In conclusion, I hope that Congress, the congressional representatives, will actively support legislation that is needed to authorize IHS advance appropriations. By changing Indian Health Service funding to an advance appropriations basis, it will bring some stability and certainty to budget issues in managing care for American Indians and Alaska Natives.

Thank you.

[The statement of Ian Erlich follows:]

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Ian Erlich, President and Chief Executive Officer

Testimony on the Indian Health Service Budget Submitted to
the House and Senate Appropriations Subcommittees on Interior, Environment
and Related Agencies

April 24, 2013

Summary. The Maniilaq Association is an Alaska Native regional non-profit organization representing twelve tribes in Northwest Alaska. We provide health services through a self-governance agreement with the Indian Health Service (IHS). The focus of our testimony is on the need to bring some stability and certainty to the Indian Health Service budget by changing its funding to an *advance appropriations* basis. This is what Congress has done with regard to the Veterans Administration medical accounts, and we ask for comparable treatment with regard to the IHS.

We also ask that the Appropriations Committees address the chronic underfunding of the Village Built Clinics program ($8.2 million increase), IHS contract support costs ($617 million total), BIA contract support costs ($242 million total), reject the Administration's proposal to limit recovery of contract support costs, and exempt the IHS from future budget sequestration.

Advance Appropriations

The Need for Indian Health Service Advance Appropriation. The Federal health services to maintain and improve the health of American Indians and Alaska Natives are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian and Alaska Native people. Since FY 1998 there has been only one year (FY 2006) when the Interior, Environment and Related Agencies appropriations bill has been enacted by the beginning of the fiscal year. The lateness in enacting a final budget during that time ranges from 5 days (FY 2002) to 197 days (FY 2011). Even after enactment of an appropriations bill, there is an apportionment process involving the Office of Management and Budget and then a process within the IHS for allocation of funds to the IHS Area Offices.

Late funding causes the IHS and tribal health care providers great challenges in planning and managing care for American Indians and Alaska Natives. It significantly hampers tribal and IHS health care providers' budgeting, recruitment, retention, provision of services, facility maintenance and construction efforts. Receipt of funds late also severely impacts Maniilaq's ability to invest the funds and generate interest which can be used to offset the chronic underfunding of the region's health programs. Providing sufficient, timely, and predictable

funding is needed to ensure the Government meets its obligation to provide health care for American Indian and Alaska Native people.

In the case of the Maniilaq Association, we draft our budget for the coming fiscal year in the Spring – a budget which must be reviewed, amended, and approved during the ensuing months. However, if we find out that come October, as has been the case for far too many years, that Congress has not enacted an IHS appropriations bill, we are in limbo and must spend considerable staff time re-doing our budget, perhaps multiple times. We–and all tribes and tribal organizations–are hampered by the uncertainty as to whether Congress will provide funding for built-in costs, including inflation and pay increases, what amount of funding we might have with regard to signing outside vendor/and or medical services contracts, ordering supplies, and making crucial hiring decisions.

Advance Appropriations Explanation. As you know, an advance appropriation is funding that becomes available one year or more *after* the year of the appropriations act in which it is contained. For instance, if FY 2015 advance appropriations for the IHS were included in the FY 2014 Interior, Environment and Related Agencies Appropriations Act, those advance appropriations would not be counted against the FY 2014 Interior Appropriations Subcommittee's funding allocation but rather would be counted against its FY 2015 allocation. It would also be counted against the ceiling in the FY 2015 Budget Resolution, not the FY 2014 Budget Resolution.

To begin an advanced appropriations cycle there must be an initial transition appropriation which contains (1) an appropriation for the year in which the bill was enacted (for instance, FY 2014) and (2) an advance appropriation for the following year (FY 2015). Thereafter, Congress can revert to appropriations containing only one year advance funding. If IHS funding was on an advance appropriations cycle, tribal health care providers, as well as the IHS, would know the funding a year earlier than is currently the case **and** would not be subject to Continuing Resolutions. We note that advance appropriations are subject to across-the-board reductions.

The Veterans Administration Experience. In FY 2010 the Veterans Administration (VA) medical care programs achieved advance appropriations. This came after many years of veterans' organizations advocating for this change, including enactment of the Veterans Health Care Budget Reform and Transparency Act of 2009 (PL 111-81) which authorized advance appropriations and specified which appropriations accounts are to be eligible for advance appropriations. The Act required the Secretary to include in documents submitted to Congress in support of the President's budget detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

The fact that Congress has implemented advance appropriations for the VA medical programs provides a compelling argument for tribes and tribal organizations to be given equivalent status with regard to IHS funding. Both systems provide direct medical care and both are the result of federal policies. Just as the veterans groups were alarmed at the impact of delayed funding upon the provision of health care to veterans and the ability of the VA to properly plan and manage its resources, tribes and tribal organizations have those concerns about the IHS health system. We also note that there is legislation (HR 813) pending in this Congress that would expand advance appropriations to the VA beyond its medical accounts.

We thus request this Committee's active support for any legislation that may be needed to authorize IHS advance appropriations, to protect such funding from a point of order in the Budget Resolution, and to appropriate the necessary funds. We have prepared a white paper on IHS advance appropriations and would be happy to share it with you.

Village Built Clinic Program

Last year the Maniilaq Association, Aleutian Pribilof Islands Association, Bristol Bay Area Health Corporation, and Norton Sound Health Corporation submitted joint testimony to the Committee regarding the chronic underfunding of the Village Built Clinic (VBC) program and the IHS' refusal to provide maintenance and improvement funding for the VCB-leased clinics. These clinics are vital to the provision of services by the Community Health Aides/practitioners who provide primary health care services and coordinate patient care through referral relationships with midlevel providers, physicians, and regional hospitals. The situation has not improved and we ask, as have other Alaska Native health care providers, that Congress direct the IHS to utilize FY 2014 appropriations to fully fund the Village Built Clinics leases in accordance with Section 804 of the Indian Health Care Improvement Act (IHCIA). Section 804 of the IHCIA (25 U.S.C. 1674) authorizes the Secretary "notwithstanding any other provision of law" to enter into leases with Indian tribes for period not in excess of 20 years. It provides that leased property may be "reconstructed or renovated" by the Secretary and that lease costs "include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable." We estimate an additional $8.2 million over current IHS resources needs to be allocated to VBC leases.

Contract Support Costs

IHS Contract Support Costs Shortfall. We appreciate the recent increases provided by Congress for Contract Support Costs (CSC) owed to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA) and federal case law. Even so, there remains an ongoing shortfall of CSC, which continues to impose significant hardships on us and on other tribes/tribal organizations and our ability to provide adequate health services to our patients.

However, the President has proposed only $477,205,000 for IHS CSC, far below the estimated need of $617 million. In addition, the Administration proposes to limit CSC payments to tribal contractors by submitting a list of contractors to the House and Senate Appropriations Committees, with recommended, individual appropriations for each contractor. This proposed system is wholly unworkable. And—as it is created without any input from ISDEAA contractors—we fear the list will fail to reflect true CSC needs since the Administration has proven itself unable to properly account for contract support costs. The simplest and most fair answer is to fully fund tribal contractors' CSC.

We urge the Congress to reject the President's proposal outright, and fully fund IHS contract support costs at $617 million.

BIA Contract Support Costs Shortfall. The President proposes $230 million for Bureau of Indian Affairs contract support costs. This amount is closer to the estimated full need of $242 million than the IHS proposal, but still falls short of the actual need. Additionally, The President proposes the same system to cap BIA CSC as he did for the IHS. Maniilaq rejects this misguided proposal, and urges the Committees to fully fund the BIA contract support costs at $242 million, which will erase the need for the Administration's contortionist attempts to handle CSC shortfalls.

Unreleased IHS CSC Shortfall Reports. IHS must submit CSC shortfall reports to Congress no later than May 15 of each year, per section 106(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450j-1(c). Yet, the IHS has failed to submit CSC shortfall reports for FYs 2011 and 2012. Tribes have repeatedly asked the agency to release this data, which is critical for our ability to understand the IHS's view of the underfunding, and to pursue full payment of CSC, to which the Tribe is legally entitled. The IHS has refused to release these reports time and again, most recently in March of this year.

We ask the Committees to direct the IHS to release the shortfall data for FYs 2011 and 2012 immediately—and to submit future reports on time—as required under the law.

Sequestration

Exempt IHS from Sequestration. We are very concerned about the scale of reductions imposed on IHS and tribes/tribal organizations under the FY 2013 budget sequestration. The IHS budget is fully sequestrable, which resulted in a $220 million cut in funding to the IHS for FY 2013. IHS lost $195 million for programs like hospitals and health clinics services, contract health services, dental services, mental health and alcohol and substance abuse. Impacts are also felt on programs and projects necessary for maintenance and improvement of health facilities. These negative effects are then passed down to every Indian Self-Determination Act contractor including the Maniilaq Association.

We believe the IHS's budget should be exempt from these reductions. The United States has a trust responsibility for the health of Alaska Native and American Indian people. We fail to understand why this responsibility was taken less seriously than the Nation's promises to provide health care to our veterans. The Veterans Health Administration, Medicaid, and all but 2% of Medicare's administrative costs were made fully exempt from sequestration for all programs administered by the VA. We thus strongly urge the Committee to support an amendment to the Balanced Budget and Emergency Deficit Control Act to fully exempt the IHS from any future sequestration, just as the VA's programs are exempt.

Thank you for your consideration of our concerns and requests. We are happy to respond to questions or provide any additional information you may want.

# # #

Mr. COLE. Thank you very much.

Lorraine Jackson, Board President, Copper River Native Association.

WEDNESDAY, APRIL 24, 2013.

COPPER RIVER NATIVE ASSOCIATION

WITNESS

LORRAINE JACKSON

Ms. JACKSON. Good afternoon. I am Lorraine Jackson and I am from Gulkana, Alaska, a small village along the Copper River.

I thank you for the opportunity to provide testimony regarding fiscal year 2014 appropriation related to the Department of Health and Human Services, the Indian Health Service, the Joint Venture Construction Project staffing and facility operation funding, and contract support cost funding for new and expanded programs.

Copper River Native Association, CRNA, works to provide desperately needed health, dental, mental health, nutrition, and social services within the Ahtna region of Alaska, a land base approximately the size of the State of Ohio.

The health needs within our service area are severely underserved and access to care is very challenging. Presently, our patients that are in need of even basic outpatient services must travel to Anchorage, Alaska. That is about a 400-mile round-trip. When the Indian Health Service rated the Joint Venture Construction project application received nationally, CRNA was rated number one in need.

The health needs far exceed the funding appropriated to provide for the care. Consequently, we request and support general increases across the board for the Indian Health Service programs. More specifically, however, there are two areas that we wish to testify today. One is Indian Health Service Joint Venture Construction Project staffing and facility operational funding, and the second one is contract support cost of funding for new and expanded programs.

The Indian Health Service Joint Venture Construction Project, JVCP, is a wonderful thing and we are very pleased to have received JVCP award. The award recognizes our monumental need and allows us and the Indian Health Service to join hands on the project, us by constructing a new facility and the Indian Health Service by funding a staffing package and facility operating costs. In order to accomplish this, we are taking on the debt of $10 million, which equates to almost 150 percent of our annual operating budget, a very heavy debt and we are willing to carry this in full trusting that the Indian Health Service responsibility will be fully funded.

Additionally, our situation is unique in that we are the only JVCP award recipient without an existing clinic or hospital program. The staffing funding will allow us, for the first time, to have a full-service outpatient clinic thereby substantially eliminating the need for our patients to endure the 400-mile round-trip in all weather conditions just to see a doctor. Additionally, the collection

for the services provided will be a source of revenue for our debt service.

It is imperative that beginning in fiscal year 2014 and each year thereafter the funding be fully appropriated for our award. I might note that the construction of our facility will be completed this summer.

Should this funding be not appropriated, we would be burdened with major debt service payments for a substantially, if not totally, empty clinic. This would in turn drain for the resources from our current health programs. To prevent such an occurrence, the Federal Government must its obligation and not break the trust established in the Joint Venture Construction Project agreement. This appropriation needs facilities and related programs.

Contract support cost funds are a necessity and a legally required funding component which have been consistently underfunded. Although the underfunded need represents a very small portion of the Indian Health Service appropriation, they have a very significant impact on our ability to operate the desperately needed health programs. While it may be the general belief that a shortfall of this funding only affects administrative type operations, the reality is that the shortfall reduces the health services. It is for this reason that we beseech you to appropriate contract support funds for our new and expanded Indian Health Service program.

The costs, referred to as our "indirect cost pool" that make up contract support costs are audited annually and negotiated with a cost allocation department within the Federal Government, also annually. These costs are absolute must items, not luxury items, and include the same costs incurred by the Federal Government when it ran the same programs, plus additional costs from which the Federal Government is exempt, such as cost of annual audits, workers' compensation insurance, certain legal and other insurance costs and governing body costs, for example. When funding for these real and necessary costs is an adequate, we are forced to use health program costs to fill the gap. This, of course, lessens our ability to provide health service in an already greatly underfunded and underserved area.

Providing full contract support cost funding does not inflate or add to the administration or infrastructure of an organization, including ours, but actually expands healthcare by not requiring the health program funds to be used for contract support. This healthcare expansion is primarily accomplished through increased employment which, in addition to improving healthcare, also expands and improves economy. And in other words, a double bang for the dollar into areas where the need is extreme.

Since much of these funds result in employment growth, there is a mitigating benefit to the Federal Government in the form of income taxes. When this is combined with other benefits of increased employment and the expanded and improved healthcare, the benefits far outweigh the costs.

Among all other needs before you, we respectfully plead and request that you set these two areas—Joint Venture Construction Project and related contract support costs—top priorities for funding.

Please let us know if you have any questions or would like any additional information. Your attention and action to this matter are truly and greatly appreciated. And I say [speaking native language]. And that means thank you in the Ahtna language.

[The statement of Lorraine Jackson follows:]

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

Testimony from Copper River Native Association, Inc.
By
Lorraine Jackson, President of the Board of Directors

Thank you for this opportunity to provide testimony regarding Fiscal 2014 Appropriations related to The Department of Health and Human Services, Indian Health Services, Joint Venture Construction Project Staffing & Facility Operations funding and Contract Support Costs funding for new & expanded programs.

Copper River Native Association (CRNA) works to provide desperately needed Health, Dental, Mental Health, Nutrition and Social Services within the Ahtna region of Alaska, a land base approximately the size of the State of Ohio.

The health needs within our service area are severely underserved and access to care is very challenging. Presently, our patients that are in need of even basic outpatient services must travel to Anchorage, Alaska, about a 400 mile round trip. When the Indian Health Services rated the Joint Venture Construction Project applications received nationally, CRNA was rated number one in need.

The health needs far exceed the funding appropriated to provide for the care. Consequently we request and support general increases across the board for Indian Health Services programs.

More specifically, however, there are two areas to which we wish to testify today.

1) Indian Health Services Joint Venture Construction Project Staffing & Facility Operations funding.
2) Contract Support Costs funding for new & expanded programs.

1) The Indian Health Service's Joint Venture Construction Project (JVCP) is a wonderful thing and we are very pleased to have received the JVCP award. The award recognizes our monumental need and allows us and the Indian Health Service to join hands on the project; us by constructing a new facility, the Indian Health Service by funding a staffing package and facility operating costs. In order to accomplish this, we are taking on a debt of $10,000,000 which equates to almost 150% of our annual operating budget, a very heavy debt load that we willing carry in full trust that the Indian Health Service responsibility will be fully funded. Additionally, our situation is unique in that we are the only JVCP award recipient without an existing clinic or hospital program. The staffing funding will allow us to, for the first time; have a local full service outpatient

clinic thereby substantially eliminating the need for our patients to endure the 400 mile round trip, in all weather conditions, just to see a doctor. Additionally, the collections for services provided will be a source of revenue for our debt service.

It is imperative that beginning in Fiscal 2014 (the construction of our facility will be completed this summer) and each year thereafter, the funding be fully appropriated for our award. Should this funding be not appropriated, we would be burdened with major debt service payments for a substantially, if not totally, empty health clinic. This would in turn drain further resources from our current health programs. To prevent such an occurrence, the Federal Government must fulfill its obligation and not break the trust established in the Joint Venture Construction Project agreement. The appropriation needs to also properly address the Contract Support Costs that will be associated with the facilities and related programs.

2) Contract Support Costs funds are a necessity and a legally required funding component which have been consistently underfunded. Although the unfunded need represents a very small portion of the total Indian Health Service appropriation, they have a very significant impact on our ability to operate the desperately needed health programs. While it may be the general belief that a shortfall of this funding only effects administrative type operations, the reality is that the shortfall reduces health services. It is for this reason that we beseech you to appropriate Contract Support Funds for our new and expanded Indian Health Service program.

The costs, referred to as our 'indirect cost pool', that make up Contract Support Costs are audited annually and negotiated with a cost allocation department within the Federal Government, also annually. These costs are for absolute must items, not luxury items and include the same costs incurred by the Federal Government when it ran the same programs, plus additional costs from which the Federal Government is exempt; such as the cost of annual audits, workers compensation insurance, certain legal and other insurance costs and governing body costs, for example. When funding for these real and necessary costs is inadequate, we are forced to use health program costs to 'fill the gap'. This, of course, lessens our ability to provide health services in an already greatly underfunded and underserved area.

Providing full Contract Support Cost funding, does not inflate or add to the administration or infrastructure of an organization, including ours, but actually expands health care by not requiring the health program funds to be used for Contract Support Costs. This health care expansion is primarily accomplished through increased employment which in addition to improving health care also expands and improves the economy; in other words, a double bang for the dollar in two areas where the need is extreme.

Since much of these funds result in employment growth, there is a mitigating benefit to the Federal Government in the form of income taxes. When this is combined with the other benefits of increased employment and the expanded & improved health care, the benefits far outweigh the costs.

Among all of the other needs before you, we respectively plead and request that you set these two areas (Joint Venture Construction Project & related Contract Support Costs) top priorities for funding.

Please let us know if you have any questions or would like any additional information. Your attention and actions to this matter are truly and greatly appreciated.

Mr. COLE. Thank you very much.

Carolyn Crowder, Health Director, Aleutian Pribilof Islands Association.

WEDNESDAY, APRIL 24, 2013.

ALEUTIAN PRIBILOF ISLANDS ASSOCIATION, INC.

WITNESS

CAROLYN CROWDER

Ms. CROWDER. Thank you very much. [Speaking native language.] Hello. My name is Carolyn Crowder. I am the health to Rector for the Aleutian Pribilof Islands Association, originally an Inuit from Alaska. I worked for about 20 years and the Norton Sound region, which is the region I was born in. And I was the president and CEO of Norton Sound Health Corporation, retired from there, and for the past 12 years have been working with APIA.

One day earlier this year and said your pictures in the paper, and I said why? And I looked it up and it was Senator Murkowski, I was an intern with her for Senator Stevens 40 years ago when Don Young was first starting his career, and the picture was a picture she had sent to the Anchorage Daily News congratulating him on his 40 years. And she has been, as well, and very successful——

Mr. COLE. When Don Young was starting his career, you were 2.

Ms. CROWDER. Well, I will tell you I appreciate Ed Thomas and his comments and his frustration. Having been in this field for over 30 years myself, I do want to let you know, Ed, that I have got probably another 21 more years to catch up to the time that you have been in this area. So I appreciate that and I appreciate the hard work that you have done as well.

But I know that time is short and my written testimony focuses on four areas, and I am going to address really maybe just a couple of those areas since my colleagues before we have done such an excellent job addressing particularly the areas of contract healthcare and funding sequestration issues.

What I wanted to focus on really is June 6 of this year marks the 71st anniversary of the bombing of the BIA Hospital in Unalaska, Alaska.

The Aleutian Pribilof Islands is, as you know, you know, a long chain of islands, including the Pribilofs in the middle of the Bering Sea that are extremely remote. We run a small clinic there and the nearest hospital is 800 miles away in Anchorage. And people talk about the golden hour of care to meet emergency needs. We are far deficient in meeting that golden hour because we are 3 hours away from the nearest hospital that provides emergency services.

And I myself in my 12 years that I have been working with the Aleutian Pribilof Islands Association have been very concerned about the fact that we have lost a number of our community members because they have not been able to access care. We operate only on an airline basis. Our weather is difficult at times, and the ability to get to another facility makes healthcare very challenging

and very stressful for our staff that work there, not to mention our community members that reside in that area.

Having come from Nome, I expected when I first went to Alaska that I would see a full-fledged hospital with doctors. I was very surprised by first visit to Unalaska to see it was a small clinic operated, if we were lucky, to high or mid-level provider but by health aides. And community health aides, there were no doctors, no full-time doctors on the island, much less dentists or any other care providers there. I was very shocked for the community being equally the size of the region of Nome that I lived in and as well the huge fishing industry that brings tens of thousands of people into that area during the crabbing and fishing season, as you know. It puts a great strain on that community.

I started asking questions as to why and what happened and was surprised as well to note that there had been a 24-bed hospital there and that it had been bombed during the war and that steps have not been taken to reconstruct that. And it has taken this decade of my time working in those communities really to start working with the tribal governments and get the moment I am going to do this. There is huge turnover in the administration of the tribal governments there indirectly because there is a lack of facilities. People have to leave the island in order to receive care, so a lot of people leave to get their healthcare, and so they are in and out of the community. They come home to visit and so it is, you know, multiple layers of effect that having the lack of facilities there has created for those communities.

Ten days after June 4, 1942, and about 350 miles east of Unalaska on June 14, the residents of Alaska Atka Island were forcibly evacuated from the island by the U.S. for their safety and the U.S. Navy burned down all the structures on the island to the ground to ensure that the Japanese invading forces could not use the facilities there. I spoke with one young woman—or not so young anymore but at the time she was young—she remembers going home after they were evacuated. There was a period of evacuation of about 3 years where people were removed from the islands, and when she finally made it home, in the middle of their home was a cannon and it was in the living room strategically facing a point where any incoming invading planes could be targeted.

And so you can imagine the trauma and the difficulty these people had in returning back to their communities. It has taken, to be very honest with you, these last 71 years for these people to finally get to the point of healing from those events. When I first started working with APIA, people would not talk about it. The elders would not talk about it. We recently located a 90-year-old woman who finally is willing to talk about her experience, and it is because of her sister being a strong advocate for healthcare that we are going to be able to talk to her about her experiences.

So we have had a lot of work to do in behavioral health with trying to get over the trauma and getting people to start talking about it. The time is now. Now, we need to rebuild that hospital and we need to come. Go with the tragedy that has happened in that community and in that region. Not to do so would be very devastating to a very strong and proud—as you know, the Aleut community is

well known for their ability to build what you would call kayaks. They call them Baidarkas.

Mr. COLE. I am going to have to ask you—we are out of time.

Ms. CROWDER. Okay.

Mr. COLE. You know, one more we are going to try and get in before we vote so——

Ms. CROWDER. All right. Well, I hope you will read our testimony and I ask your support on our facilities and staffing needs, as well as restoring the sequestration and contract support costs. Thank you.

[The statement of Carolyn Crowder follows:]

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Carolyn Crowder, Health Director (carolync@apiai.org)

Testimony submitted to the House and the Senate Appropriations
Subcommittees on Interior, Environment and Related Agencies

Regarding Appropriations for Unalaska Hospital and Atka Clinic Reconstruction; FY 2014 Budget

April 24, 2013

Summary. We are planning for reconstruction of the Unalaska Hospital and the Atka Island clinic, both of which were destroyed during World War II. We are working with the Indian Health Service (IHS) toward staffing and other assistance for these facilities through our position on the IHS's list for the competitive joint venture program, and we are looking for non-IHS sources of funding for reconstruction, including appropriations to support an amendment to the Aleutian and Pribilof Islands Restitution Act. We respectfully ask the Committees to support our proposed amendment to the Restitution Act and appropriate $42.6 million for reconstruction of these two health facilities.

We also ask that the Committees appropriate sufficient Indian Health Service funds for staffing and operations of new health facilities so that more Tribal joint venture projects may open their doors to provide healthcare for our underserved patients. We also request that the Committees end the chronic underfunding of Indian health programs and provide $8.2 million to cover real costs incurred for Clinics leased under the Village Built Clinics (VBC) program, $617 million in IHS contract support costs (CSC), and to exempt the IHS, which is already at only 56% of needed funding, from future budget sequestration.

* * *

The Aleutian Pribilof Islands Association (APIA) is a regional non-profit tribal organization with members consisting of the thirteen federally recognized tribes of the Aleutian Chain and Pribilof Islands Region of Alaska. APIA provides health care services to the Alaska Natives in 6 of the Tribal communities of this Region through funding received from the Indian Health Service under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), and also provides other health-related services to all 13 Tribal communities through various non-IHS grants and agreements.

Funding For Reconstruction of Two Health Care Facilities Destroyed During WWII

During World War II, communities within the APIA region suffered historic losses, not only to their populations due to deaths arising from inadequate health care and poor living

conditions during removal by the U.S. Government to camps in Southeast Alaska, but also to two health care facilities that were destroyed and never rebuilt or accounted for in prior restitution made to the Aleutian and Pribilof tribal communities.

On June 4, 1942, the Japanese bombed the 24-bed hospital operated at that time by the Bureau of Indian Affairs in Unalaska, Alaska. Since that time, the closest hospital is located in Anchorage, Alaska – 800 air miles away, and not accessible by roads. Ten days later and 350 miles to the east, on June 14, 1942, the residents of Atka Island were forcibly evacuated from the Island by the U.S. for their "safety," and the U.S. Navy burned all of the structures on the Island to the ground, including the Island's health clinic, to prevent their use by the Japanese.

Congress passed the "Aleutian and Pribilof Islands Restitution Act" in 1988 (PL 100-383), which led to creation of the Aleutian and Pribilof Islands Restitution Trust to administer funds appropriated under the Restitution Act on behalf of the St. Paul, St. George, Unalaska, Atka, Akutan, Nikolski, Biorka, Kashega and Makushin communities. The Restitution Act provided very limited appropriations to partially address losses suffered by these communities during evacuations from 1942 to 1945. During that time, the treatment of the Aleut people in the evacuation camps lacked even the most basic attention to health and human safety matters, in extremely crowded, unheated, abandoned buildings with very poor sanitation conditions. Ten percent of the Aleuts who were evacuated died in the camps. For those who returned to their communities, many found their homes and community facilities destroyed, possessions taken, and churches stripped of religious icons by the U.S. military.

Remarkably, replacement of the core medical facilities serving these communities was not addressed through the Restitution Act or other appropriations. While we understand that these are lean economic times, the U.S. is currently spending significant funds for wartime restoration and reconstruction in foreign countries, making the appropriation of funds for reconstructing the only hospital destroyed by a foreign country on U.S. soil during wartime, and reconstruction of a health clinic deliberately burned down by the U.S. Navy, more than justified.

The time is now to replace the Unalaska hospital and the Atka Island Clinic. The Aleutian and Pribilof tribal communities are the most remote within the State of Alaska. The next level of referred specialty and inpatient care is in Anchorage. The replacement hospital facility would directly serve the 5000 year-round residents of Atka, Dutch Harbor, Nikolski and Unalaska, in addition to the typically hundreds of seasonal fishery workers requiring immediate emergency or primary care. Having a hospital would eliminate the need to send referrals to Anchorage at an average airfare cost of $1400, not to mention the cost of lodging, meals and the personal hardship of having to leave the community for days at a time. Atka lies 350 miles away from Unalaska, so until its clinic has sufficient capacity to meet local need, that population is at severe risk due to its isolated, weather-challenged, location.

Based on inflation-adjusted 2010 projected cost estimates, the total funding needed for reconstruction of the Unalaska hospital is $39.1 million. The inflation-adjusted cost for the Atka Island clinic, based on a 2003 Denali Commission clinic design, is $3.5 million. APIA thus requests $42.6 million in funding for reconstruction of these facilities.

APIA is ranked near the top in the IHS's joint venture program, under Section 818(e) of the Indian Health Care Improvement Act, however we are unable to move forward without identified construction resources. For facilities subject to the IHS joint venture program, construction must be accomplished with non-IHS money. The Restitution Act offers the best legislative framework for an appropriation from Congress. We recommend that the Restitution Act be amended to add a new Section 1989C-4(b)(1)(D) to Title 50 of the United States Code, to state as follows: "**(D)** One account for the construction, operation, and maintenance of an inpatient hospital facility in Unalaska and health clinic in Atka with a direct appropriation of $42,600,000 for those purposes." *We ask for the Committees' support of such an amendment and the related appropriation of funds.*

If we are to successfully receive this non-IHS construction project funding, the joint venture program would allow APIA to enter into a no-cost lease with the IHS for a period of 20 years; the IHS would in turn provide staff, equipment and supplies for the operations and maintenance of the facilities. The joint venture program is a competitive program and funding is limited. According to the IHS's budget justification for FY 2013, the IHS signed 16 agreements for joint ventures between 2001 and 2011, but received 55 "positive responses" to a solicitation for joint ventures during the FYs 2010-2012 cycle. Yet, the IHS has indicated it does not have adequate resources to fund even those programs ranked highest on its list of joint venture projects, such as APIA's Unalaska Hospital. Tribes in Alaska support the IHS joint venture program as one of the best solutions to immediately address critical health care needs in our communities. *We ask that the Committees appropriate additional funds for staffing and operations of new facilities; doing so will allow IHS to partner with Tribes like APIA whom are anxious to move forward their projects under this successful Joint Venture model in FY 2014.*

APIA Seeks an End to Chronic Underfunding of Village Built Clinics and CSC

Village Built Clinic Leases. As we stated in our 2012 testimony, the inability of the IHS to adequately fund the Village Built Clinics leases causes a significant, adverse impact on APIA's ability to ensure delivery of safe, quality health care services at our 3 Community Health Aide Program-staffed clinics and 2 mid-level provider-staffed health centers. For the 2014 appropriations, we support the Alaska Tribes' request that an additional $8.2 million be appropriated within the Hospitals & Clinics budget line to help fully fund all Alaska VBC leases in FY 2014. It would be helpful if Congress would also direct the IHS to use its FY 2014 appropriations to fully fund VBC leases in accordance with § 804 of the Indian Health Care Improvement Act.

IHS Contract Support Costs Shortfall. APIA thanks Congress for appropriating additional funding for Contract Support Costs necessary to administer Tribal health programs authorized under the ISDEAA. Even so, there remains an ongoing shortfall of CSC, which continues to impose significant hardships our ability to provide adequate health services to our patients when direct program funds have to be diverted to pay overhead costs. We urge the Committees to continue to push for full funding of CSC. While it is difficult to estimate the full CSC need for FY 2014 — in part because IHS refuses to release its CSC distribution data for the last two years, — we estimate that the total need in FY 2014 for Compacting and Contracting Tribes to be at least $617 million.

Given the progress toward full CSC funding in recent years, we are dismayed the Administration's FY 2014 budget proposed only a minimal increase for IHS CSC to $477 million. This would force Tribes to absorb almost $140 million in uncompensated costs for allowable and reasonable administration costs associated with managing federal programs. The Administration's proposed appropriations act language, whether intentional or not, attempts to preclude tribes from their right to recover any of their CSC shortfalls through contract actions, as ruled by the Supreme Court in the *Salazar v. Ramah Navajo* decision. The bill language would incorporate by reference a table identifying the capped amount as determined by the agency of CSC available to be paid for every compactor or contractor. This process is being proposed without Tribal Consultation and is unworkable, therefore we urge that the Committees reject this proposed approach and, instead, fully fund CSC for both IHS and BIA.

Sequestration. APIA is appalled that the American Indian and Alaska Native patients were subject to a loss of basic health care as a result of the FY 2013 budget sequestration. IHS lost $195 million which directly impacted our patients' access to care. Specifically for APIA, we will not be filling provider vacancies including one dentist and one dental health aide and have placed on hold several clinical support positions. We have seen an increase in our patient requests for medical travel assistance and are unable to assist our patients with their access to care issues. In addition, our referral hospital, the Alaska Native Medical Center, has indicated that sequester will impact their ability to pay for medical care, further exacerbating our patients ability to receive basic health care. This means cancer screens will not get done; necessary care will be deferred until it becomes an acute emergency, and funds for early screening or early treatment which could save lives will now be spent down the road on high cost acute or chronic care services. Our ability to sustain safe facilities will be compromised as we are forced to defer necessary maintenance and improvement of health facilities. We are already struggling to provide adequate care to our patients; the reasonable approach would be to exempt direct patient care from across-the-board cuts. Therefore we strongly believe that the IHS budgets should be exempt from both sequestrations and rescissions and that the cuts suffered this year should be restored in the FY2014 budget. The United States *has* a trust responsibility for the health of Alaska Native and American Indian people. We fail to understand why this responsibility was taken less seriously than the Nation's promises to provide health to other citizens. Medicaid state grants and Medicare, other than a 2% administration cost, and Veterans Health Administration (VA) programs were made exempt from the sequester. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). We thus strongly urge the Committee to support an amendment to the Budget Control Act to fully exempt the IHS from any future sequestration, just as these other programs which also provide direct care are exempt.

* * *

Thank you for your consideration of our request to support funding the reconstruction of the Unalaska Hospital and Atka Island Clinic with associated staffing and operating costs. We are very confident that these reconstructed facilities will right a huge wrong in our history and will significantly improve health care for the Aleutian and Pribilof tribal communities. We also appreciate the Committees' consideration of other requests outline in this testimony. On behalf of the Aleutian Pribilof Islands Association and the people we serve, I am happy to help provide any additional information desired by the Committees.

Mr. COLE. Absolutely. We have got a very short period of time so please bear with us. And, Betty, if you need to go, go.

Ms. MCCOLLUM. I will go and watch for you to walk in the door——

Mr. COLE. Okay. That would be helpful. So please, I am sorry again to rush you.

Mr. Douglas, General Counsel for the Southeast Alaska Regional Health Consortium. I apologize.

WEDNESDAY, APRIL 24, 2013.

SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM

WITNESS

MICHAEL E. DOUGLAS

Mr. DOUGLAS. Thank you, Mr. Chair. I will be as brief as I can.

My name is Michael Douglas. I am General Counsel for Southeast Alaska Regional Health Consortium, or SEARHC. I am here today on behalf of our president and CEO Charles Clement, who unfortunately could not make the trip out from Alaska today.

It is a pleasure to be here and I just want to thank you for the opportunity to testify before this committee.

The issue I wish to highlight for the Committee in my testimony is the underfunding of contract support cost funds to SEARHC under our self-governance compact and funding agreements with the Indian Health Service. And I understand that a number of witnesses have touched on this issue today, so I will move through it, and are written testimony certainly lays out our thoughts on contract support cost funding in full.

SEARHC is a consortium of federally recognized tribes that provides healthcare to 18 communities and southeast Alaska. Our service area is roughly 35,000 square miles, much of which is not connected by a road system, so it definitely presents challenges in providing healthcare, as in much of Alaska.

We administer over $42 million in IHS programs and services and average 115,000 patient encounters per year. These are federal programs and services contracted on behalf of the Indian Health Service, and in carrying out these programs, we incur certain contract support costs.

Just to give you a sense of the dollar amount in fiscal year 2012 the contract support cost shortfall for SEARHC was $4.8 million, so it is a substantial amount of money for our program delivery. And unfortunately, the only way for us to account for the shortfall is to divert direct program funds to cover the contract support cost shortfall.

Most recently, this, coupled with the federal sequester, has put SEARHC in a difficult position to begin cutting some of our programs due to underfunding, one of which is our adult inpatient substance abuse treatment program in Sitka, Alaska, the Bill Brady Healing Center. This is both a difficult and unfortunate decision that SEARHC had to make but was ultimately necessary so that we can continue to provide a high level of services and other areas. However, this program closure will be leaving a substantial

void in the services we provide. SEARHC has operated Bill Brady since 1996 and has had over 1,000 Alaska Native beneficiaries passed through the program. And unfortunately, on Tuesday of next week, April 30, we will be having to close its doors due to underfunding.

So the importance of full funding of contract support costs is clear. It is a contractual obligation affirmed by the recent decisions of the United States Supreme Court. We are also a member of the National Tribal Contract Support Costs Coalition, and we fully endorse that testimony. So we urge the full funding of contracts support costs in fiscal year 2014 at a level of $140 million above the President's current request, and hopefully, that will, you know, help to alleviate some of the need to divert these direct program funds to cover that contract support cost shortfall.

So I thank you for the opportunity to testify before the Committee and I am happy to answer any questions you might have.

[The statement of Charles Clement follows:]

Hearing before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
on the Fiscal Year 2014 Budget

Testimony of Charles Clement, President and CEO
SouthEast Alaska Regional Health Consortium

April 24, 2013

My name is Charles Clement and I am the President and CEO of the SouthEast Alaska Regional Health Consortium (SEARHC). Chairman Simpson, Ranking Member Moran, and members of the Committee, it is a pleasure to be here and I thank you for the opportunity to testify before this Committee.

I have been involved in the provision of Alaska Native health care for over 15 years. Prior to my employment at SEARHC I worked for the Southcentral Foundation in Anchorage, Alaska, as the vice president/chief operating officer; vice president – operations; director of information technology/chief information officer; and special assistant to the president. I have been the President/CEO of SEARHC for over a year, and am continually amazed at the positive impact our tribal consortium has on the health of Alaska Natives.

SEARHC is an inter-tribal consortium of 18 federally-recognized Tribes situated throughout the Southeast panhandle of Alaska. Our service area encompasses over 35,000 square miles, an area larger than the State of Maine. With no road system connecting our communities, the challenges to deliver robust health services are considerable.

SEARHC meets these challenges through a network of community clinics anchored in the Mt. Edgecumbe Hospital. Our services include medical, dental, mental health, physical therapy, radiology, pharmacy, laboratory, nutritional, audiology, optometry and respiratory therapy services. We also provide supplemental social services, substance abuse treatment, health promotion services, emergency medical services, environmental health services and traditional Native healing.

We administer over $42 million in IHS facilities and related programs and services, and average over 115,000 patient encounters each year. These are federal services, which we operate on behalf of the Federal Government, through a self-governance compact and associated funding agreement.

To carry out IHS programs under this contract requires us to incur many fixed costs, including a number of costs mandated by the Federal Government. These costs include substantial annual audit costs, insurance costs, and an array of administrative costs to operate our personnel and financial management systems.

Only a small portion of these contract support costs are covered in the direct service budget which IHS contracts to pay. This is because IHS either does not incur these costs at all (in the case of audit expenses and insurance costs,) or because IHS receives resources to carry-out these functions from other parts of the Government, including other DHHS divisions, and even other departments of the Federal Government. Still, these are mandatory fixed costs which SEARHC must incur every year. Each year the DHHS Division of Cost Allocation, Western Field Office sets these costs for SEARHC, and under our contract and the law, IHS is then required to pay them—in full.

But IHS does not pay these costs in full. It does not even budget to pay them in full. In fact, it is never even clear how much IHS will honor under the contract until the contract is already performed. Even this year—nearly half way through the year—we have no idea what IHS will pay us.

SEARHC has no tax base. Most Tribes have no tax base. Therefore, the only way for SEARHC to make up for the difference is to divert resources that would otherwise support the delivery of services. Every year this shortfall severely impacts our ability to serve the Alaska Native community. What is worse is that in no other area of government contracting does the United States fail to pay its contractors in full.

SEARHC is a member of the National Tribal Contract Support Cost Coalition, and we fully endorse the NTCSCC's testimony. Full funding of contract support costs in FY 2014, at a $140 million increase above the President's request, would honor SEARHC's contract and stop the bleeding of direct service funds to compensate for IHS's contract support cost shortfalls.

One final word. It has been nine years since the Supreme Court required the Government to honor its self-determination contracts with tribal healthcare providers. That was the landmark case of Cherokee Nation v. Leavitt. It has now been ten months since the Court reaffirmed that decision in the Ramah Navajo and Arctic Slope cases. In light of those decisions it is stunning that IHS would dare to defy the Court, and dare to overtly discriminate against Indian tribal contractors, by now suggesting a new strategy for avoiding its liability. If IHS devoted a fraction of the time it spends trying to avoid its contract obligations to instead meeting those obligations, we would not be here.

But one thing is clear: We have a deal with Congress and with IHS, and now is not the time to unilaterally change it. Our contracts, and the law under which they are executed, require IHS to pay us for the work we do—not to pay us in part but in "full". That is what the law says. "Full." The law also says we can file a claim with IHS if payments fall short. We absolutely oppose IHS's insertion of new appropriations language to unilaterally change our contracts and unilaterally change the law by insulating IHS from any future liability for its underpayments. It is a shocking reaction-in-avoidance to multiple losses in the courts. It is insulting to Indian people and tribal governments. And it is just plain wrong.

I thank you for the opportunity to testify before the Committee and would be happy to answer any questions you have for SEARHC.

Mr. COLE. Well, there probably will not be any questions, but I want to thank the panel and I particularly want to apologize to our last two presenters. I am sorry to have rushed you, but we have got to go vote. We are going to take a recess now. We will come back immediately after the votes. We have three votes but there is a recommit, so it is going to be a while. So we will come back and we have two panels after that.

Mr. THOMAS. Make sure you vote for me.

Mr. COLE. Believe me, I am voting for the Chickasaws. I will be voting for you, too.

[Recess.]

Mr. COLE. Okay. We are going to reconvene the hearing, but as I do, we would like to recognize we have got some students from the Yankton Sioux Tribe, Marty Indian School in South Dakota, here with the Close Up program. So could you like raising your hand so we could acknowledge you? Welcome. Good to have you here. Now, if we can, we will welcome up our next panel. I will just read off the names and we will give the positions as you are introduced: Frank White, David Gipp, Kevin Keckler, Bryan Brewer, and Thurman—is it Cournoyer?

Mr. COURNOYER. Cournoyer.

Mr. COLE. Cournoyer. This is not my day to get these things right. Well, there were actually two French hunting things in Oklahoma, Checotah and—yes, there is a town called Checotah and what is the other one? But yes, they were actually fur trapping stuff out on the frontier in the 1700s.

Okay. Welcome. And we will let you guys all get set up. Good to see you again. How are you?

If we could, we will have Frank White Bull, Tribal Councilmen from Standing Rock Tribe. Good to see you again as well.

WEDNESDAY, APRIL 24, 2013.

STANDING ROCK SIOUX TRIBE

WITNESS

FRANK WHITE BULL

Mr. WHITE BULL. Welcome. Or—welcome. When I am back home, I am used to that. Welcome.

Mr. COLE. A little role reversal here.

Mr. WHITE BULL. I bring my welcome.

Well, first of all, you know, you guys have been here all day in your hearing, and I am really guaranteed that we are all in the same boat as tribal leaders coming forward with the areas that we are presenting.

First of all, my name is Frank White Bull. I am a tribal council of the Standing Rock Sioux Tribe located in North and South Dakota. It borders the center along the Missouri River. I would like to thank the Subcommittee for holding this hearing and demonstrating your support for Indian Country.

While I have served my tribe for many years, this is my first opportunity to testify before you and it is an honor to be here. You know, just for the record, I served this country for 9 years and 3

months in the U.S. Army as 11 Bravo in the 95 Bravo, and it makes me feel where I am at to be comfortable in working on the government-to-government relationship.

So with that, the Standing Rock Sioux Tribe faces many challenges. Our reservation covers for 2.3 million acres. About 8,500 members live on the reservation in eight communities that are widely spread across great distances. While we have made substantial progress in recent years, our unemployment rate remains above 50 percent and our poverty rate is triple the national average. As you know, you are going to hear that a lot in this testimony that the poverty rate—and that is all of our reservation and that is the truth. You know, it is the truth.

As the tribe continues to move forward, it remains vitally important that the Federal Government continues to keep its promises and does its part to see that our tribal members enjoy a standard of living like that enjoyed by the rest of the Nation.

You know, we remind you that, you know, I am here representing my tribe and you are here representing the Nation and your constituents. And, you know, as I said to some of my colleagues, I am not going to be here with my hands like this and my head down. I am going to be here with a handshake to remind this government that we are still here.

One of the most basic functions of any government is to provide for public safety. I have served as a police officer of Standing Rock and I can tell you from firsthand knowledge the difficulties we face. Our reservation is about the size of Connecticut and resources for law enforcement have never met our needs. In fact, before 2008 we had only 7 law enforcement officers to cover the entire reservation. As the BIA recognized the growth shortage, we faced more law-enforcement personnel than have been provided since 2008. We now have 34 law enforcement positions authorized that are not filled. There are still five to seven that still need to be filled, and those are through academy issues and just other officers not wanting to relocate, I guess, to our location and Standing Rock.

While we are still understaffed, the basic point is clear: adding law enforcement personnel at Standing Rock has led to a very significant reduction in crime. More officers means quicker response time in our communities and greater deterrence. While progress has been made, more needs to be done. We urge the Subcommittee to increase funding for this law enforcement personnel.

Another key to the tribe's future is the education of our children. Standing Rock has three grant schools funded by the Bureau of Indian Education. At Standing Rock, we are concerned that funding for Indian education is not keeping pace with the need. Indian School Equalization funding, known as ISEP, is important covering teacher salaries, administrative costs, and other basics for educating our children. The Administration is proposing to cut ISEP by $16.4 million. That funding should be restored.

And student transportation is another key item. At Standing Rock, funds for education are strained because we are a large rural reservation. Bus runs for many take 1-1/2 to 2 hours each way. You know, our kids get up, you know, at 5:30 in the morning and ride a bus for 2 hours, you know. Some of us get up and we drive for

a half-an-hour, you know, but we put our kids through that back home. It is because of the education.

You know, back in the day—when I say that, my time is when I rode the bus—it used to take half-an-hour, 45 minutes at the most because there was more buses, Your Honor. And now, there is lack of that in that area in the transportation so now, it takes anywhere up to an hour-and-a-half to 2 hours to get to school.

I would just basically urge the Subcommittee to provide for long-overdue increase in funding for student transportation.

Another key component is higher education scholarships, which our members need to attend colleges and vocational schools. More funding is needed to give our students a chance to get ahead through higher education.

The need for housing remains a big problem at Standing Rock. We have 200 families on the waiting list for housing with 150 additional families living in overcrowded conditions and another 300 families in substandard housing. Over the course of many years, the HIP program, Housing Improvement Program, has been important for us at Standing Rock to address emergency and other specific repair needs. Since our other housing needs are so great, elimination of the HIP program, as the Administration proposes, would create considerable hardship for many low-income people in Standing Rock. We urge you to preserve this program.

The tribe supports the Administration's request for increased funding for the Indian Health Service. We also recommend that the Subcommittee give priority to IHS Preventive Care programs. They provide funding above the Administration's requested amount. Preventative care is both essential, beneficial to tribes and tribal members and cost-effective as potential healthcare problems can often be dealt with simply before they become a burden to the patient and healthcare budget.

In addition to preventive healthcare, we urge the Subcommittee to provide additional funds for Purchased/Referred Care and dental care, two programs that are particularly important at Standing Rock. You know, in referred care when they refer us to Sanford and locally and Bismarck, North Dakota, it is about an hour-and-a-half drive one way and we get our services there. And what happens, the billing does not come in a timely manner and our members are getting billed, and thus, their credit is affected, you know, because of that. And their waiting line, I go to IHS for services. I am there a minimum of four hours before I am seen by a doctor. And like a room like this, imagine there are people sitting there and waiting to be seen, mostly probably by a physician's assistant, you know.

But, you know, overall, I would just like to thank you for the opportunity and again remind you of, you know, the obligations as set forth by our predecessors of government. You know, as linear descendants, we are continuing that and reminding the government of the obligation. So thank you. And the written testimony has been submitted and I appreciate the time there, sir.

[The statement of Frank White Bull follows:]

Testimony of Frank White Bull, Tribal Councilmember
Standing Rock Sioux Tribe
Before the House Appropriations Subcommittee on Interior and Related Agencies
Concerning FY 2014 Appropriations
April 24, 2013

On behalf of the Standing Rock Sioux Tribe, I submit testimony concerning the President's FY 2014 budget for the American Indian/Alaska Native programs within the Department of the Interior and Indian Health Service. I would like to express our appreciation to this Subcommittee for its support of Indian tribes and to focus my remarks on public safety, education, housing, health care, and infrastructure.

The Standing Rock Sioux Reservation encompasses 2.3 million acres in North and South Dakota. The Reservation's population – approximately 8,500 Tribal members and 2,000 non-members – reside in eight districts, and in smaller communities. The Tribe's primary industries are cattle ranching and farming. The Tribe struggles to provide essential governmental services to our members. When the Tribe ceded millions of acres of land to the United States, the government promised to provide us with the means to sustain ourselves on our Reservation. The Tribe strives to provide jobs and improve the standard of living on our Reservation. We operate two modest Tribal casinos; Rock Industries, a small parts-on-demand operation; Standing Rock Propane; Standing Rock Telecommunications; and a sand and gravel operation, which helps the Tribe supplement services and programs for our members. Despite these measures, our unemployment rate remains above 50%. In fact, over 40% of Indian families on our Reservation live in poverty – more than triple the average US poverty rate of 13.8%. The disparity is worse for children, as 52% of the Reservation population under age 18 lives below poverty, compared to 16% and 19% in North and South Dakota, respectively. The federal programs established to aid tribes and their members are essential. We ask the government to honor its commitments by maintaining federal programs enacted for our benefit, so that our members may live at a standard equal to that enjoyed by the rest of the Nation. Our specific recommendations are as follows:

BIA - Public Safety and Justice. We strongly support the President's proposal to increase funding for Public Safety and Justice by $17 million above the 2012 enacted level, and urge Congress to increase appropriations by at least that amount. Increased funding is needed to hire more law enforcement officers and to staff detention facilities. Standing Rock has seen first-hand that adequate law enforcement staffing is the key to reducing crime.

Before 2008 at Standing Rock, there were only 7 law enforcement officers to cover the Reservation (an area close to the size of Connecticut), and crime was rampant. Crime decreased with BIA's Operation Dakota Peacekeeper initiative which, in 2008, added 20 law enforcement officers on the Reservation. When that initiative ended, the number of supplemental officers assisting the permanent law enforcement officers was reduced and crime increased. Fortunately, Standing Rock is one of the few Indian reservations where the High Prior Performance Goals initiative (HPPG) has been implemented. In 2009, when HPPG started, the then 12 permanent law enforcement positions were gradually supplemented by an additional 22 positions. These 34 positions currently consist of a Chief of Police, 3-4 Lieutenants, 3 Criminal Investigators/Special Agents, 2 School Resource Officers and 24 police officers.

Although not all 34 positions are filled at all times (due to turnover and training leave), the increase in law enforcement has had a significant positive impact. It facilitated police officer assignment to each Reservation community, which means quicker response time to calls. The increased law enforcement presence and patrols has deterred crime and resulted in our members feeling safer. The data confirms this. When compared to the number of violent crimes (homicide, rape, robbery, assault) that occurred between 2007 and 2009, the additional staffing reduced such crimes by approximately: 7% in 2010, 11% in 2011, and 15-19% in 2012.

These initiatives demonstrate the critical importance of adequate law enforcement staffing. But HPPG is presently scheduled to end after FY 2013. More than 3,000 arrests were made during the 2012 calendar year. Data this year demonstrates that Reservation law enforcement continue to receive more than 900 calls for assistance each month. While the Tribe is fortunate to have 34 law enforcement positions for the Reservation, an analysis of the number of officers needed to provide effective 24-hour coverage indicates there should be more. At current staffing levels, officers typically work 12-hour shifts, 5 days a week, leading to officer burn-out and increased costs for overtime. Only proper staffing levels will ensure the safety of our communities and officers. We urge Congress to increase funding for law enforcement personnel.

Funding is also essential for law enforcement equipment and facilities maintenance. In December 2010, the Tribe successfully completed construction of a secure 18-bed juvenile detention facility on our Reservation so that Tribal youth offenders may remain on the Reservation and receive culturally appropriate services while incarcerated. The Tribe contributed $2 million of Tribal funds to supplement $5 million in Justice Department funds to build this facility. Over time this facility will save the BIA a great deal of money that now pays other public authorities to house our youth offenders. Unfortunately, while the BIA, in January 2011 and many times thereafter, advised the Tribe that the facility was to be among those BIA-operated facilities to receive operation and maintenance funding, BIA delays have meant that, to date, the facility is not operational and has received no maintenance funds. As a result, problems have surfaced. Various systems in the building require repair but warranties have expired. The Tribe is taking active steps to remedy these matters using Tribal resources. Once these matters are cured, the BIA must act promptly to assume operation of the facility and secure a share of the operation and maintenance (O&M) funds needed to pay for utilities and routine maintenance. Adequate levels of O&M funding are essential to safely house our youth and safeguard the Tribe's and Federal government's investment in this facility.

BIA - Tribal Courts. We urge Congress to increase the modest funding appropriated for the Tribal Courts Program. Our Tribe cannot effectively carry out criminal proceedings, let alone civil cases, with our small BIA allocation, even when heavily subsidized by the Tribe. Our Tribal courts are crowded, cramped and outdated and limit our ability to administer a comprehensive criminal justice system on the Reservation.

Bureau of Indian Education (BIE). We urge Congress to increase FY 2014 funding for BIE programs. As President Obama has stated, education is the key to ending the cycle of poverty and lower wages. Despite this, the Administration's FY 2014 budget would hold constant or otherwise cut funding for programs that are critical to the education of our youth.

Standing Rock relies on BIE funding for three Tribal grant schools – the Standing Rock Community School (K-12), Sitting Bull School (K-8), and Rock Creek School (K-8). The

Standing Rock Community School is jointly operated by the Tribe and a state entity, Fort Yates Public School District, which, like other public schools on the Reservation (Cannonball, Selfridge, McLaughlin, McIntosh, and Wakpala), depends on federal impact aid to cover the costs of the public school's share of the school operations. The children in the schools on the Reservation are among the most at-risk students in the Nation. At the Rock Creek, Cannonball, Selfridge, and Wakpala schools, 100% of the students receive free or reduced price school lunches because their families live at or below poverty. At other schools, the percentage of children receiving free or reduced price lunch is comparable – Sitting Bull 98%, McLaughlin 85%, Fort Yates 80%, Standing Rock, 80%.

A critical source of funds for the operation of our Tribal grant schools are the Indian School Equalization Program (ISEP) Formula funds. They cover salaries for teachers, teacher aides, school administrative staff and other operational costs. ISEP has not seen any meaningful increase in years, and as a result, it has become more difficult to attract and retain qualified staff. Despite the clear need, the Administration proposes to cut ISEP funding by $16.4 million, apparently to offset the cost of a new pilot program. We do not object to a new pilot program, but no such program should be created at the expense of existing needs. If the schools serving Indian children are to be effective, ISEP funding should be increased.

The Administration's near flat line funding for virtually all aspects of BIE programs does not account for population growth, increased costs, or inflation. Student Transportation funding, intended to cover the costs of buses, fuel, maintenance, vehicle replacements, and drivers, has stayed at the same level for years. The substantial increases in fuel costs alone make it impossible to cover these costs. For Standing Rock, funds are further strained because we are a rural community, where bus runs for many of our students may take 1½ to 2 hours each way and can include travel on unimproved roads. These factors result in higher maintenance costs and shorter vehicle life. A substantial increase in funds for Student Transportation is long overdue.

The same is true for School Facility Operations and School Facility Maintenance which is nowhere near fully funded. In fact, O&M budgets are currently constrained at 40 percent. With the constraint and the cuts resulting from sequestration, it will be impossible for the schools to operate. We also urge Congress to increase, or at least maintain funding for Education Construction and reject the Administration's proposal to cut Education Construction funding by $18 million. While the Administration claims this will allow it to eliminate replacement school funding and redirect funds to Minor Improvement and Repair (MI&R) programs, its budget contains no comparable increase to MI&R. Without adequate funds for maintenance or facilities repair our schools will deteriorate and pose serious safety risks for our children. Indeed, part of one of our Tribal grant schools, the Rock Creek School, is more than 100 years old and badly needs to be replaced. Federal funds to replace ancient schools – like Rock Creek – are essential. Funding for School Facility Operations and School Facility Maintenance, as well as Education Construction should be substantially increased.

We also urge Congress to increase funding for Scholarships. Because of the unmet need, the Tribe spends $1 million in Tribal funds annually to supplement this program and gives grants of $3,000-$3,500 to aid our students attending colleges and vocational schools. But even with this, most of our scholarship recipients have unmet financial need varying from $100 to $17,000.

BIA HIP (Housing Improvement Program). The Tribe opposes the Administration's proposal to completely eliminate funding for HIP. HIP has long played a very important role in providing funds to low income persons who have emergency or other specific needs to make home repairs. While the Administration states that Tribes can use HUD NAHASDA funds to cover these costs, our Tribal members' needs for safe and affordable housing are staggering. Even with both HUD and HIP, there are now over 200 families on the waiting list for housing, 150 families living in overcrowded conditions, and another 300 families in substandard housing.

Indian Health Service. We support the Administration's FY 2014 requested increase in IHS funding. We depend on IHS to care for our 15,500 enrolled Tribal members, many of whom suffer from diabetes, heart disease and hypertension. With 5% cuts due to sequestration, and 2% decrease in Medicare reimbursement, we estimate there will be at least $800,000 in unmet need in FY 2013. Unmet need will be more severe if sequestration recurs in FY 2014.

We recommend the Subcommittee prioritize the IHS preventive health care service programs, such as the diabetes grant program, and increase funding for these programs above the Administration's $150 million, while supporting and protecting the Administration's other IHS funding priorities, especially funding for health care personnel. In many instances, if additional funding for clinical services and preventive health programs can be made available, illnesses and injuries could be treated at their initial stages, or prevented altogether. This is especially important at Standing Rock, where many of our members' health problems could be addressed if timely preventive care were available. We also support the Administration's request for increases in: Dental Health as there is considerable need for dental care, and Purchased/Referred Care (previously known as Contract Health Services) as this has been historically underfunded.

Infrastructure. Infrastructure, like safe drinking water, utilities, and well-maintained roads are essential to the well-being of our people. But the primary funding source for road maintenance, the BIA's Road Maintenance Program, has for the last 30 years, been funded at only $25 million, making it impossible to carry out routine, much less, emergency road maintenance. We urge Congress to reject the Administration's current proposal to again cut funding for this program.

Equally vital is safe drinking water. Congress authorized the Standing Rock Sioux Tribe's municipal, rural, and industrial (MR&I) water system by the Garrison Diversion Unit Reformulation Act of 1986 and the Dakota Water Resources Act of 2000. Substantial progress has been made on the project: construction is nearly complete for core facilities including a deep water intake and pump station, 13 miles of raw water transmission pipeline, a main storage reservoir, a state-of-the-art water treatment plant, and 49 miles of main transmission treated water pipelines. Three treated water pipeline contracts approach the bidding stage. When completed, they will connect the Reservation's existing water infrastructure to the new facilities so that over 75% of the Reservation population will receive clean drinking water. However, further pipeline construction, including to residents currently without treated water supply, is in jeopardy due to the recent dramatic cuts in appropriations. Proposed future appropriations levels threaten to completely stop construction on the project leaving a significant portion of the Reservation's residents without access to safe, clean, dependable drinking water. We respectfully request Congress restore funding the Dakota Water Resources Act to FY 2010 levels to allow completion of this critical project within a reasonable time.

Mr. COLE. Betty and I and the chairman actually all had the opportunity to visit Standing Rock a couple years ago. We saw the dramatic difference the law enforcement improvements made, so thank you very much.

David Gipp, President of the United Tribes Technical College.

WEDNESDAY, APRIL 24, 2013.

UNITED TRIBES TECHNICAL COLLEGE

WITNESS

DAVID GIPP

Mr. GIPP. Thank you, Mr. Chairman. It is an honor to be here. My name is David M. Gipp, and I am President of United Tribes Technical College, which is located in Bismarck, North Dakota, and I would ask that our statement is made a part of the record as to its request.

We have been around for 44 years as an intertribal institution. We are owned by the five tribes of North Dakota, which include the Three Affiliated Tribes of Fort Berthold, Standing Rock Sioux, the Spirit Lake, and the Turtle Mountain Band of Chippewa, as well as the Sisseton-Wahpeton Sioux of Oyate of North and South Dakota.

So I mention that in passing because we are an intertribally-controlled institution. As I mentioned, we have been around for 44 years, and I always like to say that we are the group of tribes that took over the fort, formally the Fort Abraham Lincoln, took over the fort, but this time for education and peaceful purposes. Let's put it that way, and we sit not far from the Missouri River by the way.

We have about 1,200 students annually that we serve from about 75 different tribes. It varies anywhere from 55 to 85 different tribes at any one time, and we operate year round. We operate on a semester basis, and I would say that we have 25 different areas that we provide training in, as well as our degree, 2-year degree programs, certificate programs, 2-year degree programs, and now three, 4-year degree programs. We are fully accredited from 2011, to 2021, at this point in time.

Our request is this, that one-time funding to forward fund the United Tribes Technical College, approximately $3.4 million, is needed, and we need an additional sum for our colleague institution, Navajo Technical College. That amount is later in my testimony. Seven million is needed in BIE funding for United Tribes for our Self-Determination education Act contract. That also includes Navajo Technical College located near Crown Point.

And also we are asking for Congressional support for a tribally-administered law enforcement training center, something that we have received support from our tribes for a good number of years, and we have a current MOU with the Bureau of Indian Affairs Law Enforcement Branch, but we need to renew that and continue that in terms of trying to, you know, produce more law enforcement officers in a wide range of different areas.

I would just highlight then that we try to position our students for success. We try to assure that they will have a good future when it comes to the programs that we offer and when they graduate. We sit just down below the Three Affiliated Tribes in the western part of North Dakota, not far from the Bakken Oil Formation where there is a huge, huge task of bringing our population to the forefront of taking advantage of the opportunities, both in terms of business as well as in terms of employment.

We graduated a class of welders here just a month or so ago. All of them are placed 100 percent. Our placement ranges anywhere from 77 percent to 100 percent that I mentioned, depending on which area that they are graduating in. So we have this tremendous area. We have a very, very high need for additional housing. We need to build additional science and technology programs and facilities for these opportunities for our students.

So, again, I highlight all of that just to say that we think that we can play a more integral role both with the Bureau of Indian Affairs in terms of the need for more law enforcement officers but as well in the regional and in the national economy that Native Americans want to be a part of.

I am going to close out except to say that hopefully you can take a very close look at our request and see if there is a way to honor them. We are going through the 5.2 percent reduction as well. We cannot afford to take another 5.2 or whatever the percentage is for fiscal year 2014, I might say, because we think that will force us to lay off faculty and staff and diminish the opportunities for students who want to come here. I am on the phone daily with students who want to be here and who want to be on our campus and looking forward to good opportunities. That is why we have the early childhood centers and the K through eight elementary school for focusing on the family as well as the individual.

Thank you very much, Mr. Chairman.

[The statement of David Gipp follows:]

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Testimony for the House and Senate Interior, Environment and Related Agencies
Appropriations Subcommittee on FY 2014 Indian Affairs Budget
April 24, 2013

For 44 years, with the most basic of funding, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished, high risk Indian students from throughout the nation. With such challenges, some colleges might despair, but we have consistently had excellent retention and placement rates and are a fully accredited institution. We are proud to be equipping our students to take part in the new energy economy in North Dakota and proud to be part of building a strong middle class in Indian Country by training the next generation of law enforcement officers, educators, medical technicians and "Indianpreneurs." We are governed by the five tribes located wholly or in part in North Dakota. We are not part of the North Dakota state college system and do not have a tax base or state-appropriated funds on which to rely. The requests of the UTTC Board for the FY 2014 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) are:

- ***One-time BIE funding to forward fund United Tribes Technical College, approximately $3.4 million.***
- ***$7 million in BIE funding for UTTC for our Indian Self-Determination Act contract***
- ***Congressional support for a tribally-administered law enforcement training center***

A Few Things of Note About United Tribes Technical College. We have:

- Renewed unrestricted accreditation from the North Central Association of Colleges and Schools, for July 2011 through 2021, with authority to offer all of our full programs on-line. We have 26 Associate degree programs, 20 Certificate and three Bachelor degree programs (Criminal Justice; Elementary Education; Business Administration).
- Services including a Child Development Center, family literacy program, wellness center, area transportation, K-8 elementary school, tutoring, counseling, family and single student housing, and campus security.
- A projected return on federal investment of 20-1 (2005 study).
- A semester retention rate of 85% and a graduate placement rate of 77%. Over 45% of our graduates move on to four-year or advanced degree institutions.
- Students from 75 tribes; 85% of our undergraduate students receive Pell Grants.
- An unduplicated count of undergraduate degree-seeking students and continuing education students of 1200 and a workforce of 360.
- A dual-enrollment program targeting junior and senior high school students, providing them an introduction to college life and offering high school and college credits.

- A critical role in the regional economy. Our presence brings at least $34 million annually to the economy of the Bismarck region. A North Dakota State University study reports in that the five tribal colleges in North Dakota made a direct and secondary economic contribution to the state of $181,933,000 in 2012.

Positioning our Students for Success. *UTTC is dedicated to providing American Indians with postsecondary and technical education in a culturally diverse environment that will provide self-determination and economic development for all tribal nations.* This means offering a rich cultural education and family support system which emphasizes enhancement of tribal peoples and nations, while simultaneously evaluating and updating our curricula to reflect the current job market. The ramifications of the North Dakota Bakken oil boom are seen throughout the state. We saw the need for more certified welders in relation to the oil boom and so expanded our certified welding program. We are now able to train students for good paying, in-demand welding jobs. Similarly, our online medical transcription program was designed to meet the growing need for certified medical support staff. Other courses reflect new emphasis on energy auditing and Geographic Information System Technology.

We are in the midst of opening up a distance learning center in Rapid City, SD, where there are some 16,000 American Indians in the area. We are also working toward establishment of an American Indian Specialized Health Care Training Clinic.

We also understand the importance of culturally and legally competent law enforcement on Indian reservations. Our Criminal Justice program offers two and four-year degrees, and prepares graduates for employment as federal, state or tribal law enforcement, correction, parole and probation, and transportation safety officers; victim advocates; U.S. Customs, Homeland Security, Military Investigative Services and private security agents. UTTC wants to expand our endeavors to help meet the critical law enforcement need in Indian Country. Given our experience with our Criminal Justice program, our location, and our campus resources, we propose the establishment of a Northern Plains Indian Law Enforcement Academy.

Northern Plains Indian Law Enforcement Academy. We appreciate that the President requested increased funding in the FY 2014 budget to hire additional BIA and tribal law enforcement officers. However, we ask Congress to be more visionary than that and to seriously look at the problem of addressing crime in Indian Country with an eye toward establishment of a campus-based academy for training of law enforcement officers in the Northern Plains area of Indian Country. There are cultural and legal reasons why such training should be tribally-directed in order to be appropriate for the realities of tribal communities. And with the advent of expanded tribal authorities under the Tribal Law and Order Act and the Violence Against Women Act, 2013, the need has grown. At the same time, we realize that state and national training resources have an important role in this new endeavor.

Basic law enforcement training is currently provided through the BIA's Indian Police Academy in Artesia, New Mexico. The BIA Academy can train only 3 classes of 50 persons annually. The BIA is depending on the basic training provided by state academies to supplement what is provided at Artesia. We firmly believe UTTC is well positioned with regard to providing both basic and supplemental law enforcement training. An academy at UTTC would allow tribal

people in the Great Plains and other nearby regions a more affordable choice of training locations, minimizing the distance and long separation of trainees from their families.

In short, the BIA should be utilizing and enhancing the resources of UTTC to make a real difference in the law enforcement capability in Indian Country. We can offer college credit to trainees, and our facilities include the use of a state-of-the-art crime scene simulator. Maintaining safe communities is a critical component of economic development for our Tribal Nations, and local control of law enforcement training resources is a key part of that effort.

We are well positioned to continue to be an integral part of building a strong middle class in Indian Country but we face challenges including lack of reliable, on-time BIE funding.

Forward Funding. We have wanted BIE forward funding for some time, and our experience this past year with the Continuing Resolutions, sequestration and inexcusably slow and insufficient allocation of funds really brings home this issue.

There was a *glitch in the FY 2010 appropriations process* which resulted in UTTC (and Navajo Technical College or NTC) not receiving BIE forward funding. There is authority for forward funding for tribal colleges under the Tribally Controlled Colleges and Universities Act, 25 USC 1810(b)(1) and (2). This authority applies to all colleges funded under that Act, including UTTC and NTC. When the Administration requested $50 million for forward funding its FY 2010 budget, they asked for it under the line item of "tribally controlled colleges and universities" – that line item includes 27 tribally controlled colleges. However, we are funded under a different line item which is "tribal technical colleges" and thus when Congress provided the requested $50 million for forward funding, UTTC and NTC were left out.

Forward funding requires a *one-time* extra appropriation of three-quarters of a year's funding; hence, *we are requesting, in addition to our regular FY 2014 appropriation, $3,397,485 to forward fund United Tribes Technical College* (75% of $4,529,981 – the FY 2012 BIE appropriation for UTTC - is $3,397,485). The total BIE FY 2012 appropriation for "tribal technical colleges" was $6,761,165 ($4,529,981 for UTTC and $2,231,184 for NTC). *To forward fund both institutions would require $5,070,873 in addition to the regular FY 2014 funds.*

The manner of distribution of FY 2013 BIE funds has been a disaster. We still do not know the precise amount we will receive for FY 2013. Between having funding provided via Continuing Resolutions and held back due to the prospects of a sequestration, planning has been very difficult. We are particularly disturbed that the BIE allocated only 37% of our funding during the first six months of the year. *The unprecedented uncertainty in terms of timing and amount of funding this past year has taken a toll.* New faculty feel vulnerable because of the appropriations situation, and prospective candidates are reluctant to accept positions due to the same uncertainty. We have significantly reduced off-campus professional development activities for faculty, and held back on upgrading technology resources for our faculty and students. The oil boom in North Dakota has led to a serious housing shortage and the rates for local off-campus student housing have skyrocketed. While we have campus-based housing, it has never been sufficient to accommodate all our students and their families. Our students come from 75 tribes from around the nation; none of them can commute from their home communities. Lack of housing has impeded our ability to accept as many students as we would like.

Base Funding. UTTC administers its BIE funding under an Indian Self-Determination Act agreement, and has done so for 36 years. Funds requested above the FY 2012 level are needed to: 1) maintain 100 year-old education buildings and 50 year-old housing stock for students; 2) upgrade technology capabilities; 3) provide adequate salaries for faculty and staff (who did not receive a cost of living increase this past year and who are in the bottom quartile of salary for comparable positions elsewhere); and 4) fund program and curriculum improvements.

Acquisition of additional base funding is critical as UTTC has more than tripled its number of students within the past eight years while actual base funding for educational services, including Carl Perkins Act funding, have not increased commensurately (increased from $6 million to $8 million for the two programs combined). Our BIE funding provides a base level of support while allowing us to compete for desperately needed discretionary contracts and grants leading to additional resources annually for the college's programs and support services.

The Duplication or Overlapping Issue. We would like to comment on the Government Accountability Office reports of March of 2011 regarding federal programs which may have similar or overlapping services or objectives (GAO-11-474R and GAO-11-318SP). Funding from the BIE and the DOEd's Carl Perkins Act for Tribally Controlled Postsecondary Career and Technical Education were among the programs listed in the reports. *The full GAO report did not recommend defunding these programs; rather, it posed the possibility of consolidation of these programs to save administrative costs.* We are not in disagreement about possible consolidation of our funding sources, so long as program funds are not cut.

BIE funds represent over half of UTTC's core operating budget. The Perkins funds supplement, but do not duplicate, the BIE funds. *It takes both sources of funding to frugally maintain the institution.* In fact, even these combined sources do not provide the resources necessary to operate and maintain the college. We actively seek alternative funding to assist with academic programming, deferred maintenance, and scholarship assistance, among other things. The need for postsecondary career and technical education in Indian Country is so great and the funding so small, that there is little chance for duplicative funding.

There are only two institutions targeting American Indian/Alaska Native career and technical education and training at the postsecondary level—UTTC and NTC. Combined, these institutions received less than $15 million in FY 2012 federal operational funds ($8 million from Perkins; $6.7 million from the BIE). That is not an excessive amount for two campus-based institutions who offer a broad (and expanding) array of programs geared toward the educational and cultural needs of their students and who teach job-producing skills.

Closing. UTTC offers services that are catered to the needs of our students, many of whom are first generation college attendees. Our BIE and Perkins funds are central to the viability of our core postsecondary programs. Very little of the other funds we receive may be used for core career and technical educational program; they are competitive, often one-time supplemental funds which help us provide support services but cannot replace core operational funding. Thank you for your consideration of our requests.

Mr. COLE. Thank you for your testimony.
Chairman Keckler, Cheyenne River.

WEDNESDAY, APRIL 24, 2013.

CHEYENNE RIVER SIOUX TRIBE

WITNESS

KEVIN KECKLER

Mr. KECKLER. Thank you. Before I get started I want to thank you guys for the opportunity of allowing me to speak today, and, again, I thank you guys for coming out to our groundbreaking ceremony for our new hospital. It has been open for about 15, 16 months now, so things are doing better, not always perfect, but appreciate you guys coming out.

I will begin with good afternoon. My name is Kevin Keckler. I am the Chairman of the Cheyenne River Sioux Tribe. I have been in the elected position of Chairman for 3 years and prior to that I sat 8 years in our Tribal Council. As a result of that I know the implications of the budgets of both the BIA and IHS and the effects that it has on our tribal members.

I would like to describe today a few of the most significant hardships we face as a result of the budget decisions over the last year.

Before I get started I want to talk a little bit about the tribe. We are a member of the Great Sioux Nation. Our reservation was established under the Fort Laramie Treaty of 1868. The Cheyenne River Sioux Tribe continues its relationship with the United States under treaty law. As a treaty tribe we hold the United States accountable to its promises and agreements to our people. The terms used in the 1868 treaty were yours, not ours. We did not write them. We ask that you remember that when we call upon you to abide by the treaty language.

The Cheyenne River Sioux reservation is located in north central South Dakota. Our reservation is similar to Standing Rocks is roughly the size of the State of Connecticut. According to the census our reservation is home to two of the ten poorest counties in the United States, not something that we are proud of but something that we deal with every day. Over one-third of our residents live below the federal poverty level. Sixty-four percent of our children in Ziebach County on our reservation live in poverty. It breaks my heart to tell you about the conditions on our reservation. Our youngest members face a constant battle every day to survive, let alone thrive.

I want to talk about a few of the resources that we have that we are responsible as a treaty tribe and a large land-based tribe to present. Governing our tribe results in high cost to the government. We have many miles of roads, as you testified, substandard roads. We had a new bus that the luggage rack broke in the middle of our tour.

Mr. COLE. It was new at the beginning.

Mr. KECKLER. It was new at the beginning. So you got to testify actually to the conditions we have. We have a lot of real estate transactions as we have about 1.5 million acres of trust property,

and with that we have water and electricity distribution problems. We provide these government services without tax revenues that every other government relies upon. With few opportunities for economic development and our hands tied by federal policy, we must rely on the Federal Government based on our treaty and our longstanding responsibility to fund the programs.

Most of our income comes from land leases, but BIE realty operations are being cut under sequestration. Two of our six staff, we had six staff that handled our realty of our 1.5 million acres, two of them are taking the early buyout, and we did not have enough to begin with. So as you can see we are going to suffer some more here with what is going on with that. We need staff to process our ag leases, our residential leases, business leases, right-of-way applications, mortgage, deeds, and conveyances, but we are losing two of the six that we have.

IHS funding. I feel that it should have been spared from sequestration. After the cuts I am concerned for the safety of our members. As you guys are aware, our Aberdeen IHS area has been poorly managed, and it is the subject of numerous federal investigations.

As stated earlier, our tribal members wait in long lines for medical assistance. I thought this may improve with our new facility, but with the facility you need operational money and staff to make the thing work. You can have a brand new building, but if you do not have the people to run it, you just as well be in the old one.

As an elected official I plan every year for when our contract dollars run out and we are left to fend for ourselves. Sometimes it is late August, sometimes September, but I expect it will be in July of this year. I have a list of people whose health has deteriorated rapidly because of basic procedures not performed.

I have another list of well-educated members who have lost their credit and a good part of their livelihood because they got sick, and IHS was unable to pay the bills. As a result, they are left in the same condition as stated earlier by Standing Rock.

Promises to improve law enforcement. We very much appreciate the VAWA, the Tribal Law and Order Act, Sex Offender Registration. These are good laws, but they are without funding to implement them. Really do not help us much. Our 638 contract for our law enforcement is insufficient to cover our costs for the remainder of the year. I just had three officers that graduated from the academy so they could be certified police officers but we were unable to hire them on a permanent basis because we do not have the funds to give them the opportunity to receive benefits and everything that they deserve. As a result we are probably going to lose them to some other agency that can provide that. We have put all of this money into them so far. We are probably going to lose them.

Our courts also need attention as is stated up above. Final decisions and budgets controlling our water. As you guys are aware, we have a rural water system that is 40 years old. It pumps at a maximum capacity. Every day it can pump around 1.4 million gallons of water whereas we need 4.4 million. Since 2006, we have had a moratorium against any new hookups. This keeps us from building homes, economic development. A lot of effects are as a result of that. We have a $12 million housing project that is waiting to be

built, money sitting in the bank. We cannot build it because we have no water to put into them homes. We have 661 families on a housing waiting list right now.

Finally, our General Assistance Program. This is something that I have experienced all winter, every day. Our General Assistance Program provides help to our most-impoverished members to help pay their bills and necessities that they have. BIE terminated its support for the General Assistance Program due to lack of budgets. Now we are being forced to help our people.

As the Chairman I can say that I am not going to allow somebody to sit in their home and freeze to death. I am taking dollars out of other programs that are going to help us get through the winter, and everybody has made it, thank God, but since November we have had 259 general assistance cases been left out in the cold by BIE. No money. Turn them over to us. Fifty-nine families, 79 single parents with children, 13 couples, and 100 single individuals. Normally we have funds for the entire year. Our fiscal year budget is spent already for that. We have had to take money from school clothes and other things for children.

In terms of the treaty with the United States, we ask that Congress do its job and pass a budget that lives up to these obligations and gives my government funding to work with. Under the current continuing resolution we have only received 50 percent of the funding that we should have gotten from October 1 through March 31 of this year.

So what that means is now we are using our limited $13 million general fund budget to pay for our 477 Program so they can administer funds. We have a lot of federal programs that we are taking money that we normally give to other needs now to try to get them until the funds come. So we ask that you help us do that.

Mr. Chairman, our people have upheld every promise that we made to the Federal Government in our treaties. In contrast, the Federal Government has failed to uphold even the most simple of the promises they made in exchange for taking our land, promises to provide healthcare, education, law enforcement, and land management services. Now 145 years later we find ourselves more dependent on the United States than we ever have been. We have been placed in the powerless position of having to choose on a daily basis whose life, safety, and welfare we will sacrifice to make due with our meager funds.

I respectfully ask that you enact an appropriations bill for 2014, that provides sufficient resources to my tribe and all nations that provide services to its members. Thank you for the opportunity.

[The statement of Kevin Keckler follows:]

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

Testimony on American Indian/Alaska Native Programs
By Kevin C. Keckler, Tribal Chairman

April 24, 2013

Good afternoon, esteemed members of the House. My name is Kevin Keckler, and I am the Chairman of the Cheyenne River Sioux Tribe. I was elected to this position three years ago after serving as a representative on my Tribal Council for 8 years, so I have some personal knowledge of how the budgets of the BIA and the IHS impact our tribal members at Cheyenne River.

The Cheyenne River Sioux Reservation is located on the Northern Plains of the United States. Its lands are coterminous with the State of South Dakota, being located in the north-central part of that state. The Reservation is approximately 100 miles by 50 miles in size, which is roughly equivalent to the State of Connecticut. It is sparsely populated: There is an average population of 1.64 people per square mile (p/sm). For the majority of our tribe's members, every day is a struggle for the basics. According to the 2012 US Census, the Cheyenne River Sioux Reservation has the dubious honor of being home to two of the *entire nation*'s ten poorest counties. Over one-third of our residents live below the federal poverty level, and an astonishing 64% of the children in Ziebach County (one of the two counties that comprise our reservation) live in poverty. We don't share these statistics with honor. We share them to highlight the fact that our people – especially our youngest members – face a constant battle to survive, let alone thrive.

As a tribal government, our large, remote, and sparsely populated land base translates to high costs for government operations: we have more roads for our law enforcement officers to patrol and for our transportation department to maintain; we have more real estate transactions for our local BIA real estate office to process; we have more water and electricity distribution lines to build and maintain; and we have higher fuel costs because we travel greater distances to service our members' educational, medical, safety, and welfare needs. Because most of our land is in trust status with the federal government, we are prohibited from raising governmental operations revenue from traditional sources like real estate taxation that other governments utilize. Therefore, we are forced to be dependent on the federal government. That is why the continuing resolutions and sequestrations of the past several years have hit our tribe especially hard.

Thanks to sequestration, our BIA realty program is experiencing a severe cutback. We just learned that 2 of the 6 staff in that office will be taking the early retirement offered courtesy of sequestration. This will leave only 4 staff to handle all agriculture, residential, and business leases, all right-of-way applications, all mortgages, and all transfers and conveyances over 1.4 million acres of trust land on our reservation. This will undoubtedly mean a huge backlog in processing times for these transactions, which will mean a halt to any sort of economic development on our reservation. Because of the hiring freeze sequester brings with it, these positions will not be refilled immediately. Thus, we will start FY 2014 with a higher backlog that we are already experiencing Mr. Chairman, our land leases generate the biggest percentage

of our tribal income, so when we get cuts of this kind, it hits directly in our tribal pocketbooks, and those of many of our tribal members.

Despite our limited income, our Tribe is being forced to pick up costs that we cannot afford just to help our people survive. Our General Assistance Program provided a small but essential monetary supplement to our most impoverished members to help them pay their utility or other necessities not covered by other programs. Now with sequester and other budget limitations the BIA is no longer able to provide that assistance. Because we live in an unfriendly environment where our local utility company does not hesitate to turn off customers' lights and heat for unpaid bills, even in the dead of winter when temperatures can fall to -20 degrees, the Tribe had no choice but to step in and pick up the shortfall. Since November, there have been over 259 GA cases or clients that have been left out in the cold at Cheyenne River. Among those cases are 59 families, 79 single parents with children, 13 couples, and 100 single individuals. In addition to electricity bills, GA funds are used for such things as personal hygiene articles for adults, diapers for infants, propane to heat homes, and cleaning supplies – all items that are necessary but cannot be purchased using other public welfare funds. For FY2013 the Tribe budgeted $150,000 for these types of "cash relief" payments. However, since funding for the BIA's GA program was eliminated, the cost to the Tribe to provide this type of assistance has doubled. The entire year's budget of $150,000 was spent by January, and we have now exhausted all available funds from other tribal welfare programs trying to make up the shortfall in the cash relief program. This unanticipated draw on the tribal budget for cash relief to our neediest members in these cold winter months has forced us to take money from other critical non-welfare line items and re-allocate it to members' utility bills and other essential needs. We are robbing Peter to make sure Paul and his children do not freeze to death in their own home.

We have experienced a similar type of Hobson's choice with respect to law enforcement and our criminal justice system on the reservation. Faced with a desperate shortage of patrol officers to cover all shifts over our vast land base, our chief of police recently asked the Tribal Council for additional funding to hire three patrol officers. Our 638 contract funding for law enforcement is already insufficient to cover even the current expenses for the remainder of the fiscal year, so the police chief's request was denied. Now what alternative does the Tribe have? Turn away helpless calls for assistance from terrified victims of domestic violence? Tell car accident victims that they are on their own for emergency medical care? Advise our grandmothers and grandfathers that we cannot help them deal with drunken and violent relatives who are beating down their doors to steal their Social Security checks? Instead, I have made the decision that these 3 officers are critical, life-saving positions that must be filled. So our tribe will again be forced to cut other essential services in order to ensure that we have a bare minimum number of police officers responding to emergency calls. While we applaud and thank the Congress for recognizing the sovereign rights of Tribal nations in the new VAWA, TLOA, and SORNA pieces of legislation, they are in essence unfunded mandates for Tribes. What good is the apparent ability to operate a registry for sex offenders or to prosecute in tribal court those who abuse women, if we have no funds to do so?

I also would be remiss if I failed to remind you again, that law enforcement cannot operate in a vacuum. Our Courts also need attention. At present, we have hard working dedicated individuals operating our courts with inadequate legal materials, inadequate equipment, inadequate storage, and inadequate on-going training. Every time the Congress passes a new and much needed law drawing tribal court decisions on something like domestic violence into state court proceedings, it places an additional burden on our judges, our clerks and our prosecutors

without providing them with the financial means and tools required to meet those new responsibilities. If mistakes are made, for example, as a simple result of failed equipment, our tribal jurisdiction and the full faith and credit that our tribal courts demand is placed at risk. Please take the logical next step and fund the efforts that you agreed were so important when you passed TLOA and VAWA.

Another area in which critical funding is lacking is with respect to water. Water is the key to life. Anywhere on earth, even on our remote tribal lands in north central South Dakota, water is the key to sustaining lives, growing economies, and gaining greater self-sufficiency. Without a steady source of reliable, potable water, our tribe cannot begin to break itself free from the shackles of federal dependency. Ironically, while our tribal members struggle to access clean drinkable water for their families and their livestock, they live next to the largest supply of fresh water in the upper Great Plains – the Missouri River. The reservation's current rural water system, constructed in the 1970's, runs at its maximum capacity 24 hours a day, every day of the year. The current output is 1.4 million gallons of treated water per day, while current need is estimated at 4.4 million gallons per day. Every second of every day, the entire reservation is one waterline break away from a catastrophic loss of potable water. Because of the low capacity of the current system, there has been a moratorium in place since 2006 on any new hookups to the existing water system. No new water hookups means no new businesses, no new homes. All economic development and housing is at a standstill on the reservation. The Cheyenne River Housing Authority's "Badger Park" housing development would be ready for construction but for the water access. Badger Park would bring 183 new homes to the reservation and would be a significant start to alleviating the backlog of 661 families who are currently on the waiting list for homes. In an area where the average nighttime winter temperature often falls to -20 degrees, and where there are no homeless shelters, a lack of housing is not just an inconvenience. It's a matter of life and death. So, once again, the federal government makes a promise, this time in NAHASDA, and fails to fulfill it by denying us the IHS and BIA funding necessary to bring water to those homes. I ask you sir, does this make sense?

We recently heard that our lone BIA specialist for the Guaranteed Loan Program is also taking the early retirement offered thanks to sequestration. Our tribe and many others in the region are losing an important link to accessing and navigating the complicated Loan Guaranty process, which will further hinder any economic development efforts by our Tribe. The indefinite vacancy in that position, combined with the proposed reduction in funding for the program in the FY2014 budget, will make it all but impossible for tribes in the Great Plains to take full advantage of that economic opportunity.

This begs the larger question of why, in the midst of this economy and the financial difficulties that you agree that we have, is the BIA cutting funding for the community economic development programs at OIEED? While we see the words "economic development" spread through the BIA budget, we find no dollars attached to those sentences. Isn't it time that someone told the BIA to start spending money to improve our economies instead of taking away the few dollars that we can access?

Now a quick word about Contract Support. What most people fail to recognize is that these are monies that pay the heating bills, accounting costs, audit fees and phone bills that allow our programs to operate. When BIA and IHS provide us with less than full funding, what they are really saying is: "Tribes, you pick up that bill." P.L. 93-638 as drafted essentially says: "we will give you all of the money that we have to operate the programs that you choose to contract." It

did not say "we will just give you that money that we have in the program account." When the federal government needs a lawyer it calls the Solicitor's Office, and when it needs a car it calls GSA. We don't have that luxury. No federal employee shows up at work and wonders if his lights will be on, or if he will have a file cabinet in which to store his documents. Do not suggest to me that Contract Support Costs are costs that Indian people should pay to deliver the services that you agree that we need. That is not the language nor the intent of PL 93-638.

I would be remiss if I did not talk about our need for additional I H S dollars. The Aberdeen Area I HS has been so poorly managed that it has been the subject of more than one federal investigation in just the last two years. While this is all going on, the people at Cheyenne River continue to fight to wait in long lines for medical assistance, and when they finally do get to see a doctor, they often cannot get the medicines required to treat their disease. The radio talks about the "rapid rise" in health care costs, but we at Cheyenne River have not seen a "rapid rise" in our IHS budgets. What people often forget is our people are caught in a vicious circle caused by underfunding across the board. Poor housing leads to poor health, poor health leads to poor educational achievement, and poor educational achievement leads to a poor economy, which in turns means that fewer and fewer people can afford to address any one of the above. This is why we are so offended with the idea that our programs should be cut to address national budget deficits that we did not create. It is one thing to cut funding for programs that are wasting money. It is another to cut programs that are already hanging by a thread.

As an elected tribal official, I have planned every year for the day when our tribal contract health care dollars run out. Sometimes it is in late August. In a good year it is in early September, and this year I fully expect that it will be somewhere around early July. What does that say about IHS underfunding? I can provide you with lists of people whose health has deteriorated rapidly because basic procedures were not performed in a timely manner, and another list of successful well educated tribal members who have lost their credit and a good part of the livelihood because they got sick and IHS was unable to pay their hospital bills. These are people's lives that are being played with, and it is time for these types of budget games to stop. You know the cycle; a bad tooth leads to a bad infection and that in turn leads to further and far more costly complications. Isn't it time for Congress to address this problem once and for all, by providing us with the basic care required to live healthy and productive lives?

Finally, let me close with one final and very direct plea: *Pass a FY 2014 appropriations bill so that we have something real to work with.* Today, because of the last Continuing Resolution, we are still waiting for over 50% of funding that you appropriated for the October 1st thru March 27th period. So in essence, we have been fronting the government's own costs every time we made payroll. This is wrong. While we will continue to hold the government accountable for its promises, we will try to work with you to address our nation's concerns, because we have to. But we cannot do that with this much uncertainty. The sequester and accompanying hiring freezes and travel restrictions have killed many of our plans and tribal efforts, and another round of unplanned and unforeseen cuts and freezes will destroy our programs. So please get your colleagues in line and do whatever is necessary to pass an appropriations bill and get us some real numbers to work with, so that we can at least try to help ourselves.

Thank you for this opportunity. I will be happy to answer any questions you may have.

Mr. COLE. Thank you very much for your testimony, and if we could, Mr. Brewer, Chairman Brewer I should say, Oglala Sioux.

WEDNESDAY, APRIL 24, 2013.

OGLALA SIOUX TRIBE

WITNESS

BRYAN BREWER

Mr. BREWER. President.

Mr. COLE. President. They have got Chairman down here. Why do not we just call you king?

Mr. BREWER. That sounds good. Good afternoon. My name is Bryan Brewer. I am the President of the Oglala Sioux Tribe. I have only been in office not quite 5 months. A month after I got in I got in a terrible car accident, so I am hoping to get that resolved pretty soon, but because of all of our storms, I couldn't get to the hospital to have my surgery. But I would like to say this is my first time in politics. I am a longtime educator. I taught, coached, and did all of that and right in Pine Ridge, and I also was up in Rocky Boy, Montana.

One of the things that it has really been tough being the tribal Chairman for such a short time, calls that I receive every day of people with no homes, no place to live, no electricity. Really difficult.

I have written testimony here, but I am just going to touch on some of the things that I see that are really hard.

One of our main things that we have is our justice system. We had a two-tier system. One was at Kyle, one was at Pine Ridge. They were both condemned. Money was received to build one, not the other. Now we are in trouble. The tribe has been doing the planning. Right now we are about a little over $1 million short for the planning, but once we do get the planning done, if we get the money to finish it, we are still going to need 2014 monies to build it.

Our court system, we really have a difficult time there. We are understaffed, we are underfunded. The new mandated law, the VAWA, you know, it is going to be very difficult if we do not have a court system to help our women that are abused. Like we are talking about the police department, our public safety right now, we are short almost 30 officers. Our officers are working 12-hour shifts. They are working up to 4 weeks at a time without a day off. So that is really a burnout for all of them, and they are having a very difficult time. Most of our calls when they make a call it takes an hour to get there, and if we have a lady, one of our women are being abused, an hour is a long time, and then when she does get to court, we do not have the money to help her with an attorney or we do not have the prosecutors to prosecute the people that are wrong.

But I would just like to say we are one of the largest reservations. We have 30.1 million acres that we have on the Pine Ridge Reservation. Our population is running around 45 to 50,000 people. Our housing, right now we need 4,000 homes for our people. We

are short 4,000. You can see some of the homes that our people are living in. There are some pictures here. I would like to talk a little bit about HIP.

You know, our people are desperate. We just do not have the homes, and like I say, we are short 4,000 homes. We have people in desperation. They are buying trailer houses. We have people bringing in trailers that they are buying. We cannot keep them up. Our HIP Program does not have the money, and I know it is being zeroed out, but this is so important to us. We really need our HIP Program bad, and I beg you to help us with that because, you know, these are just basic needs that our HIP Program is helping our people with. We had 40 FEMA trailers come in a month ago, and we had 1,500 applicants for those 40 trailers, and all of these people are in dire need of a place to live also.

And I know I do not have much time here. I would really like to say, you know, President Obama made a directive that the BIA should have consultation with the tribes on education. That has never happened. This never happened. Right now they are trying to take $60 million, put into a pilot program, the Department of Education. We are very against that. Our schools, we do not have enough money. On the Pine Ridge Reservation we have one BIA school, and we have six contract schools. We have three parochial schools, and they are all affected by this, but we do not have enough money.

Our transportation. Some of our students round trip, 100 miles a day, and it is not good. We have a dormitory at the Pine Ridge. It is sold right now. A lot of our students have no place to go on the weekends. We need money for that. Many of the children we have to send home on a Friday night, and when they come back Monday, they are in bad shape. We need additional money to help our educational program.

I would just like to say that I do not know what is going to happen. I do not know what we are going to do this fall as far as education. I do not know how we can get going with that. I talked about our HIP Program a little bit. Our contract healthcare, you know, we are going to run out of money months before it is up. IHS does not, we do not have the doctors, we do not have the physicians, so when people come in that are sick, they have to send them to Rapid City. They have to fly them out somewhere, and like they were talking, a lot of our people are then billed, and they cannot pay that. Their credit is ruined. Right now in the tribal office we have a big stack. We have asked everyone to bring in the bills that IHS couldn't cover, and we have so many right now, and I do not know what we are going to do with that, but it is a mess.

Our road maintenance, we have over 500 miles that we have to keep up, 500 miles of road on the highway. Thank God, that is almost to Albuquerque if you ever think about that, you know, from Pine Ridge, but it is very difficult to keep up. Our equipment is old, our bulldozers, our dozers are 1940s. That is when they were built, and our equipment, we have a grader that was, I think our newest equipment is a road grader that was purchased in 1979. So we have a very difficult time. We have hard winters. In fact, we just finished one now, and I know I have gone over my time, but I really appreciate it, and it has been good to talk to you.

The thing is I know I am talking to the people that support us. I wish I could talk with Obama and those that also have influence also, but I would like to thank you very much, and I am very honored to be here to speak before you.

[The statement of Bryan Brewer follows:]

TESTIMONY OF THE OGLALA SIOUX TRIBE, APRIL 25, 2013

My name is Bryan Brewer and I am the President of the Oglala Sioux Tribe. Thank you for holding this hearing and inviting my testimony. With 3.1 million acres, our Pine Ridge Reservation is one of the largest reservations in the United States- larger than the State of Connecticut. Think about an area from Richmond to Baltimore and D.C. to Gettysburg, PA with 50,000 residents. The Oglala Sioux are a proud and determined people with a strong tribal heritage and strong cultural and religious values, yet as a result of our geographic location and years for federal neglect our people are struggling. Today, our community suffers from a lack of jobs, a non-existent economy and a lack of services. We have an unemployment rate of well over 50%, a dropout rate is over 60%, and our average per capita income is below $7,000 a year. As a result, we are faced with all of the criminal and civil problems that poverty brings with it.

As a large land based treaty Tribe, we have full tribal civil and criminal jurisdiction, and our Tribal Government is responsible for providing the full range of governmental services commonly provided by States. We receive a very minimum amount of State assistance, most of which comes from federal pass thru dollars, which have just be cut. Sequestration has hit us hard; especially because virtually all of our programs have always been funded at around 50% of actual need. We have lost in excess of $3.2 million in direct service dollars from BIA alone and the IHS has yet to even tell us how much is being cut, so we really need your help!

First -Staffing for Pine Ridge Justice Center and Funding to Design and Construct the Justice Center at Kyle. In 2007 we had two Tier One Detention Facilities- one at Kyle and one 70 miles away at Pine Ridge. Both were built over 30 years ago by the BIA and both were in terrible condition. They were losing power, heat, cooling and water on a regular basis and forcing us to relocate prisoners out of those buildings every time this happened.

By 2008 the number of complaints of code and safety violations had risen so high that then OJS Director Pat Ragsdale visited the two facilities personally. During that visit he determined that that the US could not accept the federal liability of allowing those buildings to remain open. This created a crisis, because without these facilities, we would have no place to put our pre-sentence offenders and there were, and are, no other detention facilities nearby.

After much debate the Mr. Ragsdale was finally convinced to order the closure of only Pine Ridge in late 2008. When he did so, he made it clear to his superiors and the Tribe Kyle needed to be closed as soon as possible. A few months later in FY 2009, BIA agreed to allocate all of its detention construction dollars to reconstruction the Pine Ridge facility. That building will be completed in FY 2014, and we desperately need the funding to open that new facility. We understand that these funds have been requested in the President's FY 2014 request, but as of this date that document has yet to be released to the public. If those funds can be provided we are now left with the situation over at Kyle. Here is that story.

Seeing the Kyle detention facility as an on-going emergency, BIA requested, and the Congress provided in FY 2010, emergency funding to try to repair the Kyle facility. Unfortunately, BIA studies show that to be impossible. The cost of making those repairs was almost as high as the cost of replacing the building. And, the studies showed that even if we spent that money the

building would not meet minimum federal code requirements. To address this problem, the BIA sent this Committee a reprogramming request in early calendar year 2011, which took some of the money appropriated to make those repairs and reprogrammed it into the planning and designing a new Kyle Justice Center. Under that agreement, the BIA kept just enough money in the repair budget to Band-Aid the existing building so that it could continue to be used for three or four years. You approved that reprogramming right after it was received.

The Tribe has undertaken that planning and design work with the full involvement of the BIA's detention, law enforcement and courts staff, following all federal codes and guidelines. In so doing, the federal/tribal design team has learned that our actual arrest reports clearly show that we need a much larger building than originally thought and approved a program of requirements for that larger space. This development has now left us $1.2 million short of the funding necessary to complete that design. Unless that $1.2 million money can be appropriated in FY 2014, we will have to stop that design work at the 60% completed level and put it on the shelf. This will result in a total waste of tax payer dollars. Unfortunately, this problem was not uncovered until well after the President's FY 2014 budget was already near final, so it is not in the President's request and we had no choice but to come here to ask you to help us fix this problem.

If the remaining design funds can be appropriated, we will also desperately need construction dollars in FY 2014. As our planning documents now sit, the anticipated construction cost for this 105,000 square foot, 137 bed facility is $51 million, which is well over the amount available in the DOJ Detention facility construction budget. DOJ also lacks the ability to multi-year fund or manage a project of this magnitude. This is the reason we are asking this Committee to fund this project thru the BIA and to put the BIA back into the Justice Center Construction business, at least for large land based projects of this magnitude. While I know that the federal budget is tight, I cannot stress strongly enough how badly we need this new building. An examination of our arrest records clearly shows that these are not the kinds of offenders we can just leave on the street after their arrest. So, I implore you; help us solve this problem before things get any worse.

Regular Law Enforcement and Court Staffing- While we appreciate this Committee's effort and those of the Administration to raise law enforcement and court funding a little bit every year; for Pine Ridge these increases have meant very little. Our police department is so short staffed that our response time remains up to an hour even for violent crimes, our officers continue to suffer from fatigue working 12 hour shifts for as long as 4 week, and the situation grows worse every day. Additionally, our court is still operating with a totally inadequate budget. It is underfunded, under staffed, under trained and under equipped. While we appreciate your recent passage of VAWA, I have to respectfully advise you that this law means very little to a woman under physical attack, who has to wait an hour for the police to arrive and knowing that our court cannot hand down a long term sentence because it cannot afford to provide a jury trial or a defense attorney. Simply put, because of budget limitations, TLOA and VAWA are merely unfunded mandates, and they will remain so until these funding problems are solved.

Education- As a former educator, I know from personal experience that education is the long term answer to many of my Tribe's problems, but here again we are struggling. If you compare

the funding for schools operated by DOD with those of BIA you will see a huge disparity. Two of our single biggest education problems are transportation and O & M costs. We currently operate 1 BIA and 6 grants schools and 3 parochial schools on our Reservation. Paying to transport students across the large distances between our tribal communities has always been difficult, but it has become all but impossible as the price of gasoline has risen. Our school budgets have never kept pace with inflation and the costs of heating our schools has gone through the roof. Things have gotten so bad that some of our schools are actually reproducing out dated text books on Xerox machines because we do not have the funds to buy new ones.

Keeping our school buildings safe is also a big problem. While the BIA system calls for funding education related operating and maintenance dollars at 100%, the reality is that our schools all operate with O&M budgets which represent closer to 47 % of need. Lights do not get replaced, furnaces break down, walls and floors go unrepaired, and items like weather stripping windows are merely talked about. Today, following the sequester, I have serious concerns about our ability to fund our most basic educational needs for the fall term. Summer is usually when we make our repairs, purchase our needed items, repair our busses and get ready for school to start. Now with the sequester, I have no idea what we will have to leave off of that list.

Things are not any better for our private and public schools which rely on JOM and federal pass thru dollars to pay for these costs. They are being cut at both the federal and the state level and the combined impact lands squarely on the very programs that we are counting on to advance the lives of our children!

Do Not Eliminate HIP - At Pine Ridge, HIP addresses two of our most pressing problems: substandard housing and homelessness. On our reservation, we have people living in cars and all too many people are living in homes with boards covering the windows to keep out the winter winds, leaking roofs, cracked floors and antiquated bathrooms that only work part of the time. All of this in an area where the winters are extreme and we have severe winter storms as late as two weeks ago. Our cost of winter heating is one of the highest in the United States. Many of these individuals are part time workers, or people who work for just above minimum wage. They support not only themselves and their children, but often times their parents, and other relatives because jobs are not available. In fact, the basic test for HIP dollars is that the person income does not exceed 125% of the Human Services Guidelines. Pine Ridge is notorious for having one of the longest waiting lists for HUD assistance and that HUD waiting list is only getting longer because of sequestration, so to suggest to people who live under these conditions that HIP is no longer necessary because it is duplicative is simply wrong. Poor housing is not cost effective. Students who live like this perform worse in school, illness and health costs rise and there is a direct relationship between poor housing and alcohol and drug abuse.

Contract Health Care - While we greatly appreciate this Subcommittee's efforts to increase CHC dollars over the past few years, our Tribe continues to run out of CHC monies well before the end of the fiscal year. Now with sequestration, we fully expect to run out of those monies at least two months earlier. I cannot tell you how many calls I receive every day from a tribal member seeking medical assistance that the IHS has advised him or her that it lacks the funding to provide. Priority one is a fiscal threshold it is not a threshold for physical pain and discomfort. Delayed treatment leads to additional medical complications and no American should go without

proper medical treatment in 2013. The CHC situation is also devastating for those tribal members who are working. You do everything right. You go to school, get a job, pay your bills on time and then you get sick and go to the hospital. When the I H S fails to pay your bill you are, all of a sudden, through no fault of your own, bankrupt, your credit is gone and you have bill collectors chasing your pay check. This is not the type of health care we bargained for in our Treaties. So, simply put, please try to help protect the IHS budget wherever possible.

Road Maintenance Needs Help- The safety of the traveling public is a top concern for the Tribe. Our roads provide access for our tribal members to drive to and from work, for our emergency response system and for our school buses. Accidents caused by unsafe roads result in large Contract Health Care costs and federal road construction monies are totally wasted if our roads not properly maintained, especially given our extreme weather conditions. The Tribe currently maintains approximately 500 miles of BIA roads and 20 bridges under P.L. 638.

Over the last 10 years, funding for road maintenance has steadily diminished from $587,428.00 for FY08 to the current level for FY12 of $548,923.00- which given inflation is a huge cut. This translates to approximately $867 per lane mile of road compared to South Dakota's state expenditure of $4,500 to $5,000 per lane mile. This level of funding does not allow the Tribe to adequately maintain the equipment the program requires, nor does it allow for adequate staffing.

Things are so tight that the program is currently utilizing equipment that was purchased by the BIA and turned over to the tribe when our "638 contract" was first signed in 2004. The newest pieces of equipment in inventory are a 1987 Caterpillar motor grader and a 2000 International dump/plow truck. We have 1940's bull dozers and a 1978 auto car end dump and semi tractors most of which came from federal surplus. It is not cost-effective to keep repairing these older pieces of equipment but we have no choice.

Weather is also a problem for this program- because it is also responsible for new removal. Our winters are severe. We average 51 days of snowfall in excess of an inch and many storms dump in excess of 6 inches in a day. At the beginning of this month, we had a severe snow storm with on-reservation accumulation from 20-26 inches. We struggled to clear the snow from our main highways, but due to the age of our equipment, many pieces broke down and some had to be taken totally off the road. For people requiring medical treatment like dialysis and chemotherapy road conditions are of major concern. So, the ability for our program to maintain a safe road system directly affects the health of individuals.

Contract Support- Because others are covering this topic, I will be brief. Contract Support pays for our light bills, payroll clerks, accounting and audit costs, insurances and required overhead. If the federal government does not pay for these costs, we have to, just to operate our programs, and for a Tribe with our economic struggles, this is impossible for us to do. Thus the BIA and IHS proposal are a flagrant violation of existing law.

Mr. Chairman, thank you for allowing me this time. I will be happy to answer any questions you may have.

Mr. COLE. Thank you for your testimony, Mr. President.

And Thurman Cournoyer. Thank you. Chairman of the Yankton Sioux Tribe.

WEDNESDAY, APRIL 24, 2013.

YANKTON SIOUX TRIBE

WITNESS

THURMAN COURNOYER

Mr. COURNOYER. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Thurman Cournoyer. I am the Chairman of the Yankton Sioux Tribe, and I am grateful for the opportunity to present my budget concerns to the subcommittee.

In my testimony today I would like to focus on the devastated impacts that sequestration and insufficient Indian Health Service funding has on the healthcare available to our members.

First, I do not understand why Congress did not exempt IHS funding from sequestration. IHS services are based on the long-standing treaty and trust relationship between the United States and Indian tribes. IHS should have been spared from these indiscriminate cuts like other social safety net programs and your Congressional salaries.

I ask that this subcommittee restore IHS funding and exempt IHS from future indiscriminate cuts. On our reservation in rural South Dakota our members are dependent upon IHS for their medical and healthcare requirements. If sequestration will cut IHS services, tribal members requiring emergency services will be referred to alternative hospitals. Our members already face soaring healthcare costs and racial and economic discrimination when they are forced to go to these alternate emergency rooms.

To make matters worse cuts in health, transportation, and contract health service dollars have resulted in our members being unable to afford these referrals. The sequester cut IHS funding at a time when Indian people have a lower rate of health insurance coverage than the general public. By this measure IHS is a social safety net program that should have been spared.

Second, I would like to discuss the persistent lack of funding for IHS that resulted in substandard healthcare for our tribal members. While we appreciate recent increases in the IHS budget, IHS is still unable to provide the care that you would hope and expect for your own families. The 2014 IHS budget does not meet actual needs. Visit our IHS healthcare facility and speak with those who have been told and will be told again in 2014, that there is no money for appointments. Budget shortfalls not only hurt the patient, they hurt our economy by burdening taxpayers. People who are sick miss work, have a greater dependency on federal social services, and do worse in school.

Funding for contract health services consistently dries up by the summer of each year. As we all say, you better not get sick after May. This year is especially bad. Our IHS facility's budget has more than a $700,000 deficit for the first two quarters of 2013. The IHS staff has advised us to notify our members that contract

health services are unavailable even for emergency referrals. If they choose to take an appointment, they must do so at their own expense.

A 2005 evaluation of our IHS facility found that if our emergency room were closed, it would be forecasted that lives would certainly be lost. Since then the facility has operated with an inadequate budget. It is not surprising that our tribal members have suffered.

Just this past year a member of the Yankton Sioux Tribe died in the parking lot of our IHS facility waiting for the emergency room to open. He waited because that he felt he could not afford to be treated at the Wagner Community Memorial Hospital.

We hope that stories like this reveal the severity of the funding cuts in fiscal year 2013, and that the adequate proposals for fiscal year 2014 will hurt our people. We urge the subcommittee and Congress to pass a 2014 budget so that critical funding for IHS is restored.

IHS is the only federally-funded healthcare system in the United States that is impacted by sequestration. Funding shortfalls affect the quality of healthcare services that our tribal members receive. We cannot stress how important it is to our members to get the healthcare they critically need.

Mr. Chairman, thank you for allowing me to present these concerns for my people.

[The statement of Thurman Cournoyer follows:]

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

Testimony on American Indian/Alaska Native Programs

April 17, 2013

My name is Thurman Cournoyer and I am the Chairman of the Yankton Sioux Tribe. The Yankton Sioux Tribe is grateful for the opportunity to present its budget concerns to this Subcommittee. As a treaty tribe, we are troubled by the devastating effects that sequestration has had on the services available to our tribal members. We are equally concerned about the inadequate budgets that have been advanced by the BIA and the IHS for FY 2014. While we fully appreciate the financial difficulties facing our country, trying to solve these national problems by cutting back on what Congress and the Administration openly admit are underfunded BIA and IHS programs is not only unfair, it is unwise.

The federal government's treaties and trust responsibility gives it an essential role and a unique responsibility for ensuring adequate health care to American Indians. Despite what the IHS writes in its reports about being a secondary payer, the fact remains that the IHS today provides the primary basic health care received by over two million American Indians and native Alaskans. The funding cuts created by Congressional decisions like the sequester and the cuts in the buying power that will result from virtually level funding will continue to have serious consequences for our Tribe.

The impacts of the sequester were not unforeseen. A February 27, 2013, National Congress of American Indians report predicted that "[a] potential sequester of the [IHS] would decrease inpatient admissions by 3,000 and outpatient visits by as much as 804,000 in IHS and tribal hospitals and clinics." Additionally, it noted that the IHS may lack resources to pay for staffing and operations of health care facilities constructed by tribes. Indian tribes cannot afford to replace these lost services. I, sir, am here today to advise you that these predictions have already started to come true on the Yankton Sioux Reservation.

In an area like ours, which has high rates of poverty, tribal members are dependent upon the IHS for their medical and health care requirements. The Wagner IHS Facility provides services to tribal members in and near the Yankton Sioux Tribe Indian

Reservation from 7 a.m. to 11 p.m. If services are cut, as we have been told that they will be as a result of sequestration, our local ambulances and patients requiring emergency services will have to be referred directly to Wagner Community Memorial Hospital near the Wagner IHS facility or to Sacred Heart Hospital in Yankton, which is fifty-six miles away. With comparable cuts in health transportation and Contract Health Care dollars, we cannot afford to have these referrals take place.

Fair and competent health care is of incredible importance to my people. We are more than a bit alarmed by the cuts sequestration has triggered and by the impending impacts on our Wagner IHS Facility. Tribal members in South Dakota face soaring health care costs and the pervasive threat of racial or economic discrimination when they are forced to go to the nearest alternative emergency room. This discrimination increases every time that the IHS is unable to pay its bills at these small non-Indian rural facilities.

The Yankton Sioux Tribe is well versed in fighting to ensure that its tribal members receive the health care services they need and deserve. Twice before, the IHS has intended to cut services at the Wagner IHS Facility. Each time, we fought to keep important health care service available to our tribal members, bringing suit in 1994 and again in 2006. To Congress, cutting health care services at an IHS facility seems to be reasonable way to save money. To us, these services are a matter of life or death. In 2005, the IHS commissioned an evaluation of the Wagner Facility. That study found that if the Wagner emergency room were closed, "it could be forecasted that lives would certainly be lost." This is why our people tremble every time funding to the IHS is threatened.

Perhaps the most alarming effect of the sequester is the disparate impact that it is having on Native Americans. IHS funding was cut despite the fact that Native Americans generally suffer from more diseases and have more health needs than the overall non-Indian population. Indian people have a lower rate of health insurance coverage than the general public so these cuts are falling squarely on the health of our people. But unlike cuts for the IHS, entitlement programs serving Americans receiving care under programs like Social Security, Medicare, Medicaid, the Children's Health Insurance Program, and Veterans Administration, were spared these reductions. This is not only unfair, it neglects past promises to our people.

At Yankton, funding for Contract Health Services ("CHS") has consistently dried up by the summer of each year. We recently learned that as a result of the sequester, the Wagner Facility's budget has a $719,000 deficit for the first two quarters of 2013. As a result, our local IHS staff has advised us that until further notice, when a tribal member requires a contract health care referral, even for a Priority I case, that person will be notified that CHS funds are unavailable and if they choose to take an appointment, they must do so at their own expense. These CHS appointments are for emergency/acutely urgent care services. One sickness or injury can cripple a family financially, or even worse, kill. Yet those with an emergency will be forced to decide whether to take a chance and forego treatment or undertake a serious debt. This is what sequestration and unrealistic funding from CHS services has done to us. This happens every fall; it just happened earlier this year because of sequester.

While we appreciate your efforts to increase CHS funding over these last few years, those increases have not kept pace with inflation and the IHS proposed increase for

FY 2014 will not do so either. We heard a lot of talk about the so called "death panels" when the Affordable Care Act was being debated, but we have a real one in Indian country and it's called the IHS contract health care office. Delayed treatment not only hurts the patient, it hurts our economy by burdening taxpayers. People who are sick miss work, have a greater dependency on federal social services and do worse in school. In 2013, no American should suffer from pain simply because the U.S. decides that it cannot afford to provide that person with adequate medical care. It is just that simple.

What is equally disturbing is that the Administration has presented its FY 2014 IHS budget along with press statements using terms like "increase" and "on-going commitment" when it knows full well that the funding it is requesting does not meet actual need. Misleading statements like this are designed to confuse the Congress and the American public into believing that things are far better than they really are. That is why hearings like this are so important. Come to our Wagner health facility and see the lines for yourself, and talk with those people who have been told, and will be told again in FY 2014, that there is no money to send them to the specialist who can ease their physical suffering. I have looked at the FY 2014 budget, and I can assure you from experience that it will not address the problems that I am talking about. That is my reality.

Just this past year, a member of the Yankton Sioux Tribe died in the parking lot of the Wagner IHS Facility. He arrived before the facility opened, so he waited in the parking lot. But he could not wait long enough to receive the life-saving service that he desperately needed. Though he could have gone to Wagner Community Memorial Hospital, he felt that he could not afford to be treated there because he knew that he, and not the IHS, would receive the bill. Individuals should not have to forego emergency procedures simply because they cannot afford to pay for them. We hope that stories like this reveal the severity of the funding cuts iu FY 2013, and that the inadequate proposals for FY 2014 will hurt our people.

While we have a current crisis in health care, we are equally concerned about the programs operated by the BIA. Consider this: the BIA is proposing to fund such essential services as burial, social welfare, realty, law enforcement and courts at a level that will be three years old when we finally see those dollars. While the BIA talks about proposed increases in certain programs, when you get into the meat of their FY 2014 budget documents, you see that those increases are all going to pay-raises and the opening of new facilities. This leaves our programs with the same inadequate funding we had in FY 2012.

Then we see the elimination of HIP, which is a program vital the Yankton Sioux people and other Indians who live in an area where winter weather is severe. HIP is the program that allows families living just above the poverty line to fix that broken window before winter, repair the roof that the 60-mile per hour winds blew off, insulate their homes, and repair the ceiling damaged by leaks. Without HIP assistance many people would see their heating and cooling bills rise to a level they could not possibly afford. HIP is not duplicative, especially when HUD has a waiting list that stretches for years.

I would ask this Subcommittee to finally develop a plan to address the real impacts that weather has on our BIA and IHS budgets. When winter storms hit, our law enforcement and road crews work 24/7 and these additional costs are never properly budgeted or even planned for. We live in an area that receives inches, and all too often,

feet of snow fifty-one (51) days a year. That is fifty-one (51) days of overtime for our emergency workers and road crews. One major storm can exhaust a sizable portion of those budgets. For example, we experienced the worst flood in our history in July of 2010, when floodwater more than five feet deep swept through the Reservation, taking with it homes and vehicles. As a Tribal Chairman, I am charged with planning for events like this, and I find it wrong that the federal government is not charged with doing so as well.

Finally, I have to take a few minutes to address education. Education is vital to our survival. We work hard to keep our children in school and encourage them to reach for their dreams. This is hard to do when the very programs that we rely upon to help those children are so underfunded, and when college funding is at a minimum. If you want to see our young people decrease their dependence on the federal government, please help us provide them with the incentive to stay in school and obtain the college and post graduate degrees that they will need to succeed.

Mr. Chairman, thank you for allowing me to present these concerns and please do everything that you can to help my people. I will be happy to answer any questions that you may have.

Mr. COLE. Thank you very much and thank all of you for your testimony, and I can assure you we were pretty upset ourselves in terms of the cuts in the funding. I couldn't agree with you more, and again, that is a bipartisan sentiment here, and we are trying to figure out some way to restore that. It should have never, ever happened in the first place.

Ms. McCollum, do you have any questions or comments you would care to make?

Ms. MCCOLLUM. Just that I reflect the remarks. We were shocked, disappointed, angered, outraged about what happened with the healthcare, and you know, I said this earlier today, shame on us for not doing more due diligence, and this is something that the committee is trying to work on because you are funded out of many pots out of money, out of Interior, then out of Education, out of the Interior Health, and then out of IHS. So we are doing the best that we can with our oversight to work with our colleagues in the other committees to ask, you know, very thoughtful questions.

As long as we have someone here from the tribal colleges and that, I would just like to ask a couple of quick questions and Rebecca and I can speak to you more.

You talked about your law enforcement center. In Minnesota and a lot of other states they have moved to a 4-year post so that when you are done with a 4-year degree and here you are with officers that have trained and cannot get jobs, and I am talking about is this a 2 or a 4-year degree. But I am going to ask it anyways. Is this a 2 or a 4-year law enforcement academy you are working on?

Mr. GIPP. We are working on kind of a clear ladder. One is a certificate level.

Ms. MCCOLLUM. Okay.

Mr. GIPP. The Bureau of Indian Affairs, the Academy, does not do degrees. It just does certificates. It is basically a 13-week course. By law they have to certify any that come through. So even when we have graduates at the certificate or the 2-year degree level, they are forced to go back through that academy and get that certification, when, in fact, we are recognized by the State of North Dakota post-award they call it.

So that is where the Bureau of Indian Affairs has to develop some flexibility both with the Academies and with places like United Tribes, but to answer your question, we do a certificate program, we do a 2-year degree program, and now we do a 4-year degree program because what is lacking in the Bureau Law Enforcement System is a real career ladder.

Ms. MCCOLLUM. Right.

Mr. GIPP. And they do not do that. I will just say to me the way it is run right now it is one of the last vestiges of colonial America run by the BIA.

Ms. MCCOLLUM. Well, can I use the royal, we, Mr. Cole, and say we would like to work with you on that because that——

Mr. COLE. You certainly may.

Ms. MCCOLLUM. But we do not want you to lose your officers. We want you to train your officers. We want to give you the resources so your officers serve their communities, because that is what inspired them to go in law enforcement in the first place.

Some of the other training that you are doing, you mentioned the welding, and so two questions. One, are any of the businesses that are coming in, are they working, are they providing, are they doing public, private partnerships with you for doing customized training?

And, two, are the building trades coming in, whether it be carpenters, pipefitters, welders, and that to build those other career ladders with providing apprenticeship opportunities? Because you are so close to Minnesota where I know we do a lot of apprenticeship opportunities.

Mr. GIPP. Short answer is that we have agreements with the unions, but we also have agreements with employers, businesses to take those people who graduate through our system, either at the employer level, private employers, or through the union set of programs. Our current welding program is set up so that they can move into an apprenticeship and then eventually become a journeyman, for example.

The other thing is that there are new businesses coming up that are Native American.

I think Chairman Hall will probably comment on that more extensively, but they also need support in developing those businesses because oftentimes these are new businesses, and there is great opportunity, but they need sustainable support.

We also assist them with things like financing and procurement out of a small center that we do at the college.

Ms. MCCOLLUM. Okay, and then my last question because, I mean, you all reflect, and we need to hear it repeatedly from all the different angles about what is going on with healthcare and K-12 and elder care and roads and transportation, but this is my chance to ask the higher ed questions.

The young adults that are behind you from Yankton, they are here because they are motivated, they have had good mentors either in their family or in their community, and your communities feature they are America's future. We know we failed too many students, especially Native American students, and adults who maybe did not pay enough attention and go, oh, I should have done more attention with math.

And now that you have these career opportunities in the Dakotas with what is going on with business, are you seeing adults and high school students all the sudden with the light kind of going on, and what are we doing for remedial or refresher courses?

Mr. GIPP. Remediation is a big issue for all of our tribal colleges, our 37 tribal colleges by the way, and so the kinds of resources to do that are very necessary but oftentimes lacking.

The second part, though, to answer your questions, I see a lot of young Native people who are very enthused about what their future is. Students come to our place 36 years ago, that is how long I have been at United Tribes, I would ask the question, where do you want to go for the job? Do you want to go home, because oftentimes there weren't jobs there. They would raise their hand. Overwhelming majority. Today I ask that question, and the overwhelming majority of Native students that come to our campus anyhow say I want to go where the job is. But they also want to

stay home. They want to keep their culture identity. They do not want to give that up.

Incidentally, I graduated from what was then called Marty Nation, and this is run by the tribe now at the Yankton Reservation. So I am a graduate from that school.

Ms. MCCOLLUM. Well, thank you. I am planning on visiting some of the tribal colleges in Minnesota and, you know, I will just get on 94 and go west.

Mr. GIPP. Come on out. We will show you.

Ms. MCCOLLUM. Okay. Thank you.

Mr. COLE. Thank you all for your testimony, and we will have our next panel. Thank you very, very much.

And next we will have Tex Hall, Ervin Carlson, Tom Miller, and Roger Trudell.

Ms. MCCOLLUM. Mr. Cole, I am remembering what you were saying about not being caught wearing a cowboy hat. I want you to look at these fine-looking gentlemen right here.

Mr. COLE. I know. Look a little differently in Oklahoma. We got a lot of hats. Helmets mostly, actually.

Welcome, gentlemen. It is good to have all of you here. Tex Hall, Tribal Chairman, Mandan, Hidatsa, Arikara Nation, and Three Affiliated Tribes. Tex, good to see you, again.

WEDNESDAY, APRIL 24, 2013.

MANDAN, HIDATSA, AND ARIKARA NATION (THREE AFFILIATED TRIBES)

WITNESS

TEX HALL

Mr. HALL. Thank you very much, Mr. Chairman, Tom Cole, and Darren Benjamin, and Betty McCollum. It is really a great honor to give some testimony.

I am going to have a chart that goes up there, and it really summarizes where Indian energy is at, and you guys are all aware that my tribal nation is in the middle of the hottest oil plain in North Dakota, the Bakken Formation, so just a quick update. We have 625 producing wells since 2008, more than 15,000 semi-trucks and 30 drilling rigs, and this slide here is the new Administration's, what do they call it, new energy frontier, and everybody gets an increase except for, you can see it in yellow, and look at the bottom yellow. Zero, because the bottom portion is oil, and gas and the top portion is wind. So I think wind and renewable, is that 2 million, Roger, that is right there? The top part, top yellow. Okay. Two point three for renewable and zero for conventional.

So in summary I would say this has been a bust for the Administration on energy development. They are leaving us high and dry. There is no one-stop shop. Darren, you mentioned that the other day. It was basically on paper. In about 2008, 2009, we asked Senator Dorgan to put forward this one-stop shop that was modeled after the Navajo's one-stop shop where you bring in BIA, BLM, OST, EPA, MMS, now it is Honor, you bring in all of these five agencies to the reservation. So that way if there is any backlog on

permits, on CAs, on communitization agreements, on minor source air permits from EPA, if there is any backlog where the money might have went to the wrong allottee or the wrong tribe, maybe it went to Fort Belknap instead of Fort Berthold, you know. So you bring in all those people, and that is what the concept of the one-shop stop is, and then so that your tribal members and the tribe could get everybody in the same room and work through those. Never happened.

In short, what they said was a virtual one-stop shop, and I have told the Administration, Mike Black and Kevin Washburn, I said, you know, maybe I am just a slow cowboy from North Dakota, but I do not know how a virtual one-stop shop works when you have 15,000 semi-trucks and 625 oil-producing wells and 60 percent flaring. You know, this is a tsunami, and so I do not know how that works from Denver or, you know, where this virtual one-stop shop classroom is supposed to be, but if I need access to a petroleum engineer or an environmental engineer or a compliance, I have got to have them right there. And BLM is in Billings. It is not in North Dakota.

So we really have no presence except by the telephone, by e-mail, and so it has been a bust. This one-stop shop has been a bust. However, Congress has allocated for the last 2 years $500,000 in '12, in '13, we do not know where the money went to, and I just came from TIBC, I serve on the Tribal Interior Budget Council for BIA, and I got nothing but lip service when I asked about where these monies—because we are trying to contract for these dollars because we gave the Administration a chance. We said, go ahead and implement this one-stop shop because it has been touted by former Secretary Salazar, et cetera, et cetera, to Larry Echo Hawk, to now Kevin Washburn, and nobody could tell me where the money was.

So finally Tommy Thompson, who is the Budget Director for BIA, Tommy Thompson said, Chairman Hall, you deserve a letter to, you know, find out where this money went to, and so, I mean, I have asked Mike Black, BIA, I have asked Karen Atkinson, the Director of OIEED, which is the Office of Indian Energy Economic Development, and I have asked Kevin Washburn. Nobody can give me a straight answer. I get anywhere from, oh, it went to Aberdeen. Bruce Watermalky, Regional Director, has it. I talked to Bruce yesterday. He said, no, I do not have this $500,000. He said, I just have BIA money.

That is under Kevin Washburn, this OIEED. It is not under Mike Black. It is under Kevin Washburn. And so then I pushed further, and I said, well, Bruce Watermalky does not have this money. Karen said, well, where did it go? Well, I will ask Steve Manydeeds. He is in Denver or whatever the town next to Denver, where the Division of Indian Minerals is. And I said, I will do that, but I know how the Washington runaround works because I have been around for a long time. Steve is going to tell me to go back to you because you are his boss.

And then finally Tommy Thompson says, you deserve a letter. So I have been chasing this ghost, this one-stop shop ghost for 2 years, and then we have all these requirements from EPA now for air permits, you know, for the well emissions I should say, and what are

called minor source permits and now the hydrofracking rule. And we have all of the industry that are saying, we are going to probably have to start moving rigs off.

So all of this huge economic play here is really is at a crisis for us, especially as we are looking at a zeroed-out budget so this Administration is a bust on Indian oil and gas, Indian energy as far as I am concerned. Huge amounts of quality sweet crude, huge amounts of rich gas, natural gas that we are trying to get into a gathering system, trying to get into a processing, refining system, and then, of course, as you know, we have been approved for the first oil and gas refinery since 1976.

Then finally, the state is taking $314 million out of tax, so I do not want nobody to say Indians do not pay tax, because we sure in the hell do. We paid $314 million. Not $1 comes back to Fort Berthold. Zero comes back to Indian trust land for roads, for oil spills, for any kind of a hazardous or environmental impact. Nothing.

So Governor Dalrymple in North Dakota knows this, Senator Hoeven knows this, Congressman Cramer knows this, and Senator Heitkamp knows this. All of the state legislature in North Dakota knows what I said, and I have told it right to their face, and I said, this is not fair because that $314 million equals 61 percent tax. Hell, Warren Buffet do not pay 61 percent tax, and we get 39 percent tax, yet that impact is happening on our reservation. That is not fair. It is not right. If that money channels back, I will buy the buffalo from Pine Ridge. I will buy the buffalo from Cheyenne River. We are trying to start an intertribal trade, you know. I will refine and sell propane at a cheaper price to the tribes that need it the most because their monies are drying up. Their monies. We have been blessed with natural resources, but we are getting busted by the Administration and from our state government. Our state government has taken in 4 years, then I will be quiet after this, in 4 years at the current 61 to 39 percent tax ratio, the state will be $1 billion from our oil and gas, and not one of those dollars will come back.

So I cannot put those dollars back into the refinery, back into the natural gas plant. I cannot do those sort of things. We need your help. Tribes need to have sole taxing authority because we will impact not only our reservation, we will help other tribes that need that because we are going to start an intertribal trade agreement. We met last night. Whatever products a tribe has, if it is buffalo, if it is natural beef, if it is crops, if it is foods, if it is gas, if it is propane, we are going to buy and trade from each other because that is the way we got to help ourselves in sequestration. This is having a terrible impact on us, devastating, and this is one way we can help ourselves, this intertribal trade.

So we look forward to working with you to try to replay some—there are many tribes, and I cannot believe Kevin said there is only a handful of new oil and gas tribes. There is not a handful. We represent COLT, the Coalition of Large Land-based Tribes. Navajo has got a huge oil play down there. The Utes got a huge oil play in Oklahoma. It is not a handful. There is a huge amount of energy resources, so I think that is just an understatement.

So any help you can do, Mr. Chairman and members here, would be most appreciated. Thank you.

[The statement of Tex Hall follows:]

MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes * Fort Berthold Indian Reservation
Tribal Business Council

Tex "Red Tipped Arrow" Hall
Office of the Chairman

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

Testimony on American Indian/Alaska Native Programs

April 17, 2013

My name is Tex Hall. I am the Chairman of the Mandan, Hidatsa and Arikara (MHA) Nation of the Fort Berthold Indian Reservation. Thank you for the opportunity to testify.

The MHA Nation is in the middle of the most active oil and gas play in the United States—the Bakken Formation in North Dakota. The Bakken is the largest continuous oil accumulation in the lower 48 states. There are 26 drilling rigs operating on our Reservation and about 500 oil and gas wells in production. In the past year, our region surpassed Alaska in oil and gas production to become the second highest producing region in the United States. Only Texas produces more.

It has been at least five years since production on our Reservation began to take off. Over these five years, the MHA Nation has testified at a number of Senate and House Committee hearings and we have met repeatedly with members of Congress and Indian Affairs officials to address ways of improving energy permitting and production on our Reservation.

In brief, the record shows that the Bureau of Indian Affairs (BIA) needs more staff, expertise and resources to effectively manage and oversee energy development on Indian reservations. Even with all the attention and focus we have managed to bring to the oil and gas development at Fort Berthold, not a day goes by where federal budgets and staff cannot keep up with demand. And, more importantly, our federal government trustee has barely begun to consider and address all of the impacts of this energy development to our people, lands, air, water, roads, law enforcement, traffic and health care systems.

Despite the dramatic need for increased BIA resources to manage oil and gas development to benefit many reservations and tribal members across Indian Country, the President's fiscal year 2014 budget instead boosts the oil and gas budget of the Bureau of Land Management (BLM) by $23 million. Meanwhile, BIA budgets for oil and gas development remain flat at a paltry $2.5 million. This is a disgrace and an affront to our treaty and trust relationship with the federal government!

The Administration's neglect for Indian oil and gas development is starkly displayed in the Department of the Interior's fiscal year 2014 "Budget in Brief." On page DH-43 of the Budget in Brief, in the middle of Interior's lengthy discussion of its "New Energy Frontier," Interior presents the table reproduced below.

NEW ENERGY FRONTIER
(dollars in millions)

	2012 Enacted	2014 Request	Change
RENEWABLE ENERGY			
BLM	19.7	29.1	+9.4
BOEM	33.0	34.4	+1.4
RECLAMATION	0.8	1.1	+0.3
USGS	5.9	9.9	+4.0
FWS	7.0	14.1	+7.2
BIA	6.0	8.3	+2.3
OIA	1.1	3.0	+1.9
Subtotal	73.5	99.9	+26.4
CONVENTIONAL ENERGY AND COMPLIANCE			
BLM	125.5	147.9	+22.4
BOEM	127.8	135.0	+7.3
BSEE	197.4	222.1	+24.8
USGS	25.1	39.8	+14.7
FWS	3.1	3.4	+0.3
BIA	2.5	2.5	0.0
ONRR	119.4	121.1	+1.6
Subtotal	600.7	671.7	+71.0
TOTAL	674.2	771.6	+97.5

In this table, of the 7 Interior agencies listed under "Conventional Energy and Compliance," BIA is the only one that will not receive an increase in funding. Interior's fiscal year 2014 budget proposes $71 million in new funding for conventional energy development, but BIA will not get one new dollar.

In addition, of the 5 agencies in this table that will receive funding for both renewable and conventional energy development, the BIA receives the least amount of overall energy funding. For fiscal year 2014, Interior proposes providing more renewable and conventional energy funding to the Fish and Wildlife Service (FWS) than to BIA!

The MHA Nation asks that the Subcommittee take action to correct Interior's incredible budget proposal. At a minimum, the Subcommittee should reallocate a substantial portion of the proposed BLM and FWS energy funding to the BIA so that the BIA can finally match the demand for oil and gas development on Indian reservations.

Energy development on Indian reservations provides benefits far beyond what are obtained when similar resources are developed on federal lands. Developing Indian energy resources provides needed economic development, jobs, and infrastructure growth on Indian reservations. In the Great Plains and Rocky Mountain Regions, where many conventional energy resources are available for development on Indian reservations, the average unemployment rates are 77% and 67%, respectively.[1] These regions encompass the States of Montana, Nebraska, North Dakota, South Dakota and Wyoming.

Even if the Subcommittee only reallocated the proposed budget increases for BLM and FWS to BIA, totaling $39.3 million, the Subcommittee would go a long way toward fulfilling the

[1] Bureau of Indian Affairs Labor Force Report (2005).

federal government's trust responsibility for overseeing energy development and ensuring the beneficial use of tribal homelands to provide for our members.

Moreover, these are exactly the kinds of investments the Congress should be making. Increased energy production on Indian lands provides badly needed jobs and increased resources for tribes to serve their members. Facilitating Indian energy and economic development is exactly what is needed to lift many tribes out of ongoing dependence on federal budgets.

Even more astonishing, the President and members of Congress are refining and expanding the BLM's "Pilot Project to Improve Federal Permit Coordination" while leaving tribal requests for this same kind of coordination behind. Section 365 of the Energy Policy Act of 2005 authorized BLM to establish 7 pilot offices and streamline federal permitting by co-locating staff from different federal agencies in these offices. And, just a few weeks ago, the Senate Energy and Natural Resources Committee voted out a bill that would expand these BLM pilot offices. The President's fiscal year 2014 budget also proposed reforms to revamp and improve these BLM one-stop-shops.

These BLM offices, placed strategically in areas of high energy development, are nearly identical to the Indian Energy One-Stop Shops that Senator Dorgan first promoted 5 years ago and the MHA Nation and other tribes have been asking for ever since. As you may know, a "virtual" one-stop shop was intended to be established to serve the Fort Berthold Reservation. Unfortunately, this was a "virtual" office because Interior would never fully commit to the effort.

While we did get the time and attention of a part-time petroleum engineer, we never got the one-stop shop we were promised. This Subcommittee even provided $500,000 to fund that office. However, since I was elected in 2010, we have never seen this funding or had a substantive consultation with the Office of Indian Energy and Economic Development (OIEED) about how to spend these funds.

I only recently learned, to my shock and displeasure, that the first half of our fiscal year 2013 one-stop shop funding has been awarded to the Lockeed Corporation to hire three oil and gas clerical workers and a group that will document oil spills. This is exactly the type of misuse and misdirection that we cannot afford during these times of tight budgets, and it is exactly the reason that I have come before this Subcommittee two years in a row to advise you that we are not seeing the funding that you worked so hard to appropriate.

Instead of OIEED's contractors we need permanent staff on the ground overseeing and managing Indian energy development for decades to come. This is why it is so important for this Subcommittee to ensure that when energy funding is provided to BIA, that these funds are available at the Regional and Agency level where energy activities are actually taking place and additional staff are needed.

Instead of being subject to OIEED's funding choices, I have tried for almost two years to "638 contract" this funding, but I have run up against a brick wall. Interior refuses to let the MHA Nation determine the best way to spend this funding because Interior's Solicitors determined that this funding was included in the Assistant Secretary's budget and not to the BIA's. We need this funding at Fort Berthold, and we need it now! This funding should be

available to our Regional and Agency offices where it can be used to address ongoing delays in oil and gas permitting.

Originally, I thought that the creation and funding of OIEED was a good idea, but it simply is not benefitting tribes on the ground level. We do not need more centralized resources and oil and gas "strike teams" whose offices are hours away from any Indian reservations. We need people on the ground where oil and gas activity is taking place.

I ask that the Subcommittee continue to fund our one-stop shop, but respectfully request that the funding be provided to our Regional and Agency BIA, not OIEED. I have worked with my Regional Director to prepare a realistic budget to address oil and gas activity on the Fort Berthold Reservation. If we can accomplish this, it will really make a difference for the most active Indian energy development in the Nation.

Finally, it is time to find a real solution to Indian energy funding problems. While increased funding and more staff at local levels are needed, we will continue to fall short in tribal government and infrastructure funding. To solve this problem, it is time for Congress to free tribes from unfair state taxation of tribal energy resources so that tribes can raise our own tax revenues to support energy and economic development.

Currently, out dated Supreme Court precedent allows states to place a double tax on the energy development on Indian reservations. The threat of job and development killing double taxation forced the MHA Nation into an unfair tax agreement with North Dakota. Under the tax agreement North Dakota gets about 61% of the tax revenues from energy production on the Reservation, and the Tribe gets 39%. Since 2008, the State has taken $314 million in tax revenues from the Tribe and has not accounted for how it is spent. We do know that in 2011, the State collected more than $75 million in taxes from energy development on the Reservation, but spent less than $2 million of that amount for state roads on the Reservation and zero tax dollars on tribal and BIA roads.

Of course, this impact is occurring on programs and infrastructure that are in large part paid for with federal dollars. Consequently, we are not the only ones who are losing out when our tax revenues are directed off the Reservation into state coffers.

North Dakota should not be allowed to rob the MHA Nation of its resources and drain federal budgets by double taxing tribal resources. Tribes everywhere need Congress to affirm the exclusive authority of tribes to raise tax revenues on our reservations so that we can rely on the same revenues that every other government relies on to maintain infrastructure and support economic activity. Our oil and gas resources are tribal resources and the tax revenues should stay on the Reservation. Our efforts to get a fair share of tax revenues is supported by Secretary Salazar and the oil and gas companies operating on our Reservation, however, the State is getting a windfall and refuses to negotiate. We need Congress to act!

Thank you for your consideration of these important issues.

Mr. COLE. Thank you. Ervin Carlson, President of the Inter-Tribal Buffalo Council.

WEDNESDAY, APRIL 24, 2013.

INTERTRIBAL BUFFALO COUNCIL

WITNESS

ERVIN CARLSON

Mr. CARLSON. Thank you, and good afternoon, Mr. Chairman and committee members. My name is Ervin Carlson. I am a member of the Blackfeet Tribe and also the President of the Inter Tribal Buffalo Council. I appreciate this opportunity to present testimony here today.

ITBC is a federally-charted national Indian organization with a membership of 58 federally-recognized tribes across 19 states, and I might add that all of the tribes that are here today testifying before you, they are all a part of the organization.

ITBC has existed for 20 years, and in that time has successfully restored buffalo to 52 tribes who collectively manage 20,000 plus buffalo. The historical connection between buffalo and American Indians is well documented. Indians relied heavily on the buffalo for survival, and the demise of the buffalo coincided with drastic lifestyle changes for Indians.

ITBC works to restore buffalo to tribes to revive the healthy relationship between buffalo and Indians. ITBC's objectives have been to assist tribes with buffalo restoration. Successful herd management, reintroduction of buffalo into the diets of Indian populations, and developing a marketing program for those tribes ready to market buffalo as economic development efforts.

ITBC first received federal funding in 1992, when only ten tribes were members and largely formed of Congressional earmarks. In 2006, ITBC received $4,150,000 for Tribal Herd Development Grants, commenced an aggressive health initiative utilizing buffalo to prevent and treat diet-related diseases and start a cooperative marketing effort.

I might add also with that with the health part of it, today you heard from our tribal leaders as to lobbying here for dollars for health, and we believe that with bringing back buffalo to the diets of our Indian people, that would also help, you know, with the cost reductions that we do have in Indian Country. We have diabetes, and heart disease is very rampant in Indian Country. So, you know, with that we also look at that as helping that area of also helping the government help with the funding there.

But, however, in 2007, funding was reduced to $1 million for Tribal Herd Development Grants only. BIA funded ITBC administrative costs in the amount of $400,000. This drastic funding reduction at a point when ITBC membership had grown to over 50 tribes seriously restricted the newly-developed health and marketing initiatives and decreased available funds to pass through to tribes as Herd Development Grants.

Since 2007, ITBC's funding has been stagnant, although ITBC membership is five times greater than when the organization began.

On behalf of the 58 ITBC member tribes, I would like to respectfully request $3 million to fund ITBC's ongoing activities. This amount would allow meaningful Herd Development Grants to tribes. Herd Development Grants have been limited in amount, and not all tribes can be funded each year.

This year we have, you know, all of our tribes put in their wishes, I guess, of what they need, and we just never get there. Each tribe will take a year, let another tribe put in for the funding, so it is just kind of a rotating issue like that to make the money go around.

With a more meaningful amount awarded to tribes, tribes will be able to grow herds, ensure sound management and health of the animals, and meet basic infrastructure needs. Additionally, ITBC could restart and enhance efforts to use buffalo for health and as I talked about a little earlier of being able to help our tribes in that area.

And also it was talked about earlier about, you know, the jobs in the college created there. ITBC with that organization with the herd programs there, we do also provide jobs there. So that is pretty important also.

Additionally, ITBC could restart and enhance efforts to use buffalo for health issues including reintroducing buffalo into diets on a broader scale. Additionally, increased funding will allow ITBC to develop more certain markets that will allow some tribes to market buffalo in an effort to achieve self-sustaining herds.

There is some tribes, you know, they are there, they keep them there for the cultural part, but a big thing, again, is like tribes are very, as you hear today from the tribal leaders, the tribes are very strapped in every area of dollars, and ITBC with their buffalo and buffalo took care of Indian people in a way in our beginning, you know, our food, our clothing, our lodging, and this time and day and age they can help us out in another way also, and just as Tex was talking about also with tribes not being able to sell buffalo maybe back to another tribe but also that in marketing those out to other areas helps with tribes being sustainable.

ITBC has developed partnerships with various federal and state agencies for the purpose of advocating for buffalo protection and conservation and opposing the needless killing of buffalo primarily in the Greater Yellowstone Area. ITBC takes possession of surplus bison from national parks and is collaborating with the National Park Service to take slaughtered buffalo from Yellowstone.

ITBC has advocated for member tribes to take surplus Yellowstone bison to preserve the pure genetics of these animals, however, ITBC has no funding to assist interested tribes with the necessary infrastructure to take the Yellowstone buffalo. While ITBC wants to be a meaningful option for Yellowstone buffalo, we simply just do not have the funding to do this and help the tribes in that area.

In conclusion, ITBC respectfully requests this committee to increase funding to $3 million. This amount is crucial to preserve and protect the existing buffalo herds and to allow the organization to

develop health and marketing initiatives. This funding will be a clear expression to American Indians that restoration of buffalo to Indian lands is a significant part of correcting past wrongs done to Indians as well as to reestablishing the healthy historical connection between buffalo and Indians.

The benefits of funding ITBC at $3 million far outweighs the costs. So with that I do respectfully request an increase to help the tribes in other areas of buffalo restoration. It also helps, like I said, in other areas of health benefits and for jobs there.

So with that I would also like to apologize. The last time I was here in front of you I brought some buffalo jerky, but this time we just do not have the money to get it made.

[The statement of Ervin Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
Presented by: Ervin Carlson, President
Inter Tribal Buffalo Council
Fiscal Year 2014
April 24, 2013

I. INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the President of the Inter Tribal Buffalo Council (ITBC), formerly the Inter Tribal Bison Cooperative. Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. ITBC is a federally charted Indian Organization under Section 17 of the IRA and is headquartered in Rapid City, South Dakota. ITBC is comprised of fifty-eight (58) federally recognized Indian Tribes in nineteen (19) states. On behalf of the member Tribes of ITBC I would like to address the following issues: 1) request an appropriation of $3,000,000.00 for Fiscal Year 2014, from the Department of Interior, Bureau of Indian Affairs, Operation of Indian Programs, to continue our restoration effort, to continue to provide highly qualified technical assistance, implement our marketing initiative and to continue our health initiative which utilizes buffalo to teat and prevent diet related diseases among Native Americans; 2) explain to the Committee the unmet needs of the members of ITBC; and 3) update the Committee on the present initiatives of ITBC.

The American buffalo, also known as bison, has always held great meaning for American Indian people. The buffalo provided the Tribes with food, shelter, clothing and essential tools. In the 1800's, the white-man recognized the reliance Indian Tribes had on the buffalo. Thus began the systematic destruction of the buffalo to try to subjugate the Tribal nations. The slaughter of over 60 million buffalo left only a few hundred buffalo remaining. Indian people have a strong spiritual and cultural relationship with the buffalo that has not diminished with the passage of time. To Indian people, buffalo represent their spirit and remind them of how their lives were once lived, free and in harmony with nature. It is this connection that caused multiple Tribes to come together to organize ITBC with the mission of preserving the sacred relationship between Indian people and the buffalo through restoring buffalo to Tribal lands. ITBC envisioned the restoration of buffalo on Tribal lands would foster sustainable economic development that would be compatible with each of the Tribal cultures. The land bases of most Tribal Reservations is unsuitable for farming or raising livestock but this marginal land is ideal for raising buffalo who have lived in this ecosystem for thousands of years.

ITBC was started in 1991 and first received federal funds in 1992. Federal appropriations have allowed ITBC to successfully restore 15,000 + buffalo to over fifty Reservations on over 1,000,000 acres of trust land. With healthy, viable buffalo herds, opportunities now exist for Tribes to utilize buffalo for prevention and treatment of the diet related diseases that gravely impact Native American populations such as diabetes, obesity, cardio-vascular disease and others. Viable buffalo herds also offer Tribes the opportunity to develop sustainable economic development projects surrounding the buffalo.

II. FUNDING REQUEST

The Inter Tribal Buffalo Council respectfully requests an appropriation for FY 2014 in the amount of $3,000,000.00. This amount would greatly enhance our ability to successfully accomplish Tribal goals and objectives. This request will help balance our continuing growth in membership with our funding level. The $3,000,000.00 funding level would restore vital funding that was cut in FY 2007 and has not been restored. Our requested funding level of $3,000,000.00 will allow our Member Tribes to continue their successful restoration efforts, to restore our marketing initiative and to restore the health initiative for the prevention and treatment of diet related diseases among Native American populations, while simultaneously building economic sustainability for the Tribal projects.

III. FUNDING SHORTFALL & UNMET NEED

In FY 2006, ITBC was funded through appropriations at $4,150,000.00. The Presidents budget in FY 2007 and FY 2008 eliminated funding for ITBC. A Congressional earmark appropriation restored $1,000,000.00 in FY 2007. In FY 2008, ITBC received $1,000,000 from the BIA for Herd Development Grants to Tribes. In FY 2009 ITBC received $1,000,000.00 through a Congressional earmark appropriation in the DOI, BIA budget and $421,000.00 for ITBC Administration from BIA FY2008 carryover funds. In FY 2010, FY 2011 and FY 2012 ITBC was in the BIA budget at the level of $1.4 million. The Presidents FY 2013 budget had $1.406 requested but due to the continuing resolution and sequestration we still have no idea what our funding will be. FY 2014 is also an unclear picture budget wise for our organization.

Reductions in funding critically impacted ITBC's successful Marketing Program and Health Initiative to address diet related health problems epidemic on most Reservations in a manner that would provide economic stability to the Tribal programs.

ITBC is structured as a member cooperative and 100% of the appropriated funds are expended on the development and support of Tribal buffalo herds and buffalo product business ventures. ITBC funding is distributed to ITBC member Tribes via a Herd Development Grant program developed by the Membership.

ITBC surveys member Tribes annually to determine unmet project needs and currently the total unmet needs for ITBC member Tribe's projects is $13,000,000.00. The Tribal Bison Project Proposal summaries that detail the ITBC Member Tribes projects and financial needs are on file with ITBC and available for your review.

IV. ITBC GOALS

The goal of ITBC is to assist Tribes in the restoration of bison to Tribal lands and to promote the conservation and enhancement of Tribal bison herds utilizing traditional practices and relationships with bison. ITBC also strives to preserve bison stewardship and kinship practices that are compatible with Tribal beliefs and customs. Tribes will determine the level of sustainability they would like their individual programs to achieve and ITBC will assist them in this effort through marketing and business management

technical assistance. Tribes have also identified the health problems of Indian Country as a priority they would like to address through increasing the amount of bison meat in the daily diets of Tribal members. We do this by the following actions:

A. Provide direct services to the Tribes to assist with restoration, conservation and enhancement of Tribal bison herds;

1. Technical Assistance:

ITBC provides technical assistance to member Tribes in the areas of wildlife management, ecological management, the health role of buffalo, the cultural role of buffalo and economic development. Included as technical assistance are assessments of current and potential Tribal bison programs, services such as fencing, corral, and facility design, equipment research, range management, herd health, annual training sessions (national and regional) and community awareness.

2. Surplus Bison Program:

ITBC employees work with the National Park Service, Member Tribes and the US Fish and Wildlife Service to obtain surplus bison for redistribution to Tribal Bison Projects. Tribes are able to receive bison for their programs at no cost.

B. To promote and foster working relations with all levels of government, governmental agencies and wildlife oriented organizations to protect and preserve the future of bison and their habitat, through education and awareness programs; and

1. Education and Outreach:

ITBC staff provides educational presentations and resources on bison status, restoration, and conservation efforts, as well as the history and culture of bison to the Native American population. Staff collaborates with entities on a federal, state, private and public level to promote bison restoration efforts. The staff also disseminates educational, preservation, grant, program, and other information to the 58 member Tribes in 19 states.

2. Partnership and Collaboration:

ITBC will work with governmental and non governmental organizations on bison related activities related to the preservation and restoration of bison. ITBC is also a member of various working groups and partnerships that deal with bison issues. ITBC is also a full partner on the Inter Agency Bison Management partnership that deals with the Yellowstone National Park bison/brucellosis issue.

C. To support Tribal economic efforts that utilizes the bison as an economic resource; and

1. Cooperative Marketing Program:

ITBC works to develop markets for bison meat and products that will utilize bison from Tribes interested in participating in the program. ITBC will procure bison from Tribes and sell under the ITBC label. ITBC currently markets bison meat from the Tribes to the National Museum of the Native American in Washington DC and is looking to expand to more customers. ITBC will also work to support the efforts of USDA to offer Tribal buffalo meat in the FDPIR Program.

D. To implement a health care initiative that will educate Native American families on the benefits of Indian produced buffalo meat in their daily diet

1. Outreach and Education:

ITBC staff will provide educational programs and materials to Tribes, regarding the benefits of incorporating buffalo meat into their regular diets.

2. Health Care Initiative:

ITBC will focus the Health Initiative promoting a project that will serve as a model for ITBC member Tribes. ITBC has implemented a project with the Flandreau Santee Sioux Tribe to incorporate buffalo meat into the food systems on the Reservation. ITBC is using this project as a model for the other members and will be spending the next three years working with eight Tribes that want to duplicate the FSST model. ITBC will purchase buffalo from ITBC member Tribes and other Native American producers for this program. ITBC will have the buffalo processed and distributed to participating entities.

V. CONCLUSION

ITBC has been in existence for 20 years assisting its member Tribes to restore buffalo to their native lands for cultural purposes and working towards economic development for herd sustainability. ITBC will continue to provide technical assistance and funding to its member Tribes to facilitate the development of sustainable buffalo herds.

ITBC and its member Tribes have created a new Reservation industry, Tribal buffalo production, resulting in new money for Reservation economies. In addition, ITBC continues to support methods to market buffalo meat by providing easy access to meat on the Reservations and education efforts about the health benefits buffalo meat can bring to the Native diet. The ultimate goal is to restore the Tribal herds to a size large enough to support the local health needs of the Tribal members and also generate revenue through a cooperative marketing effort to achieve economic self sufficiency.

ITBC and it member Tribes are appreciative of past and current support from the Congress and the Administration. I urge the Committee to consider restoring ITBC funding close to the FY 2006 level of $3,000,000.00.

I would like to thank this Committee for the opportunity to present testimony and the members of ITBC invite the honorable members of the Committee to visit our Tribal buffalo projects and experience first hand their successes.

Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

Mr. COLE. If we could, Tom Miller, President of the Association of Community Tribal Schools.

WEDNESDAY, APRIL 24, 2013.

ASSOCIATION OF COMMUNITY OF TRIBAL SCHOOLS

WITNESS

TOM MILLER

Mr. TOM MILLER. With an emphasis on time I will just say thank you because I do not want to take too much time. I am Tom Miller. I have been associated with the ACTS Group, the Association of Community Tribal Schools, since 1982, when it was started in Nevada, and our sole issue is that we are supporters of K through 12 education.

To go along with that I have also been a school superintendent for 32 years at the Hannahville Indian School in the Potawatomi Reservation in the upper peninsula of Michigan. The reason I have been there 32 years, they want me to die in the seat, and if I keep going, I may do that.

But we understand in requesting now that the sequestration movement has put the committees between a rock and a hard place and maybe a mission impossible place. We know that we are requesting in our written testimony specific items, but as schools facing reality, we are planning to handle, to do with less I guess is what we are trying to say. We have done this before, and historically education has never been funded adequately. So you take the sequestration right now and you add that to an inadequate funding already, and we got a double whammy effect out of it.

What we do look at is if we are forced into dealing with less, then the amount of money that is there right now needs to get to the schools as much as possible. We cannot have the middleman, and I say the middleman, the BIE, siphoning off funds for projects that someone who had the idea of the week, month, or year, it is a good idea, and we are going to do this with you now.

Recently, and actually starting in 2000, more and more requirements have been put on schools, but at the same time the funding has stagnated, and we are every year getting new things heaped on us and with an understanding that you have got to do this, and we are being threatened with a bigger stick, and that does not work all the time, especially if the monies do not come along with it to allow us to do the things that we need to do.

We need those requirements either to be lessened, waived, something, because we are pretty good at what we do, but we are not miracle workers. The fact is with reduced funding, many of the requirements that the Bureau is attempting to enforce with us are not possible, and like I said, we are used to dealing with not adequate funding, but it does not make our job any easier, and our job is to increase the graduation rates for the schools that are in the tribally-controlled schools funding vein, and there is 125 schools, roughly 28,000 students, so we are talking a fairly good cross section of the Native students over 21 states.

So as an association we realize what the chances are of the increase. What we need Congress to do is if for some reason we cannot get our increase, and that would be nice, would be like Christmas, but if we do not, then we need you to help us make the Administration face reality and lessen the requirements that are being put to us.

I guess I put that as straightforward as I can. One of the projects that the BIE has come up with recently, I believe President Brewer referred to it as the 16.5 Pilot Project. The things that we are being hit with now is the BIE is using funds with a carrot at the end. They are taking a significant amount of money out of an already-strapped area where we are at, and they are asking the schools to access, this money you must do this. There is no rule, law, or regulation, but we are being hit with that. It is back to the era of 638, which when I started in this thing it was there, and that is a lot of regulations that just happened to be brought up, idea of the week, idea of the day, idea of the month.

And as the Association, what we would like to see is, of course, first of all, we would like to see the funding. That would be great. We would be able to do things we haven't been able to do, and of course, that would allow us to increase building schools. Of course, again, we still have the middleman involved, which is the reason we do not build schools as fast as we could, but all of the areas that we need increases in, ISEP, the O&M to keep our facilities from what we do have up to speed, need to be increased. If we do not get that, then somebody has got to face reality here, and the fact is that many of these requirements have got to be mitigated to some level that we can actually function, because right now we cannot.

So with that I think that is about as much as I think the Association wanted to get into the financial. The other thing is this is, in ending, is that we understand that the job here is very, very difficult this time. We understand that. All we are asking you to do is do your best. These are for the Native students that exist in the 125 schools and across 21 states.

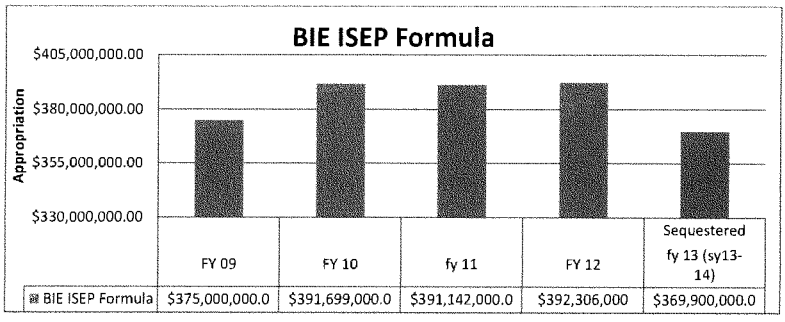
Thank you.

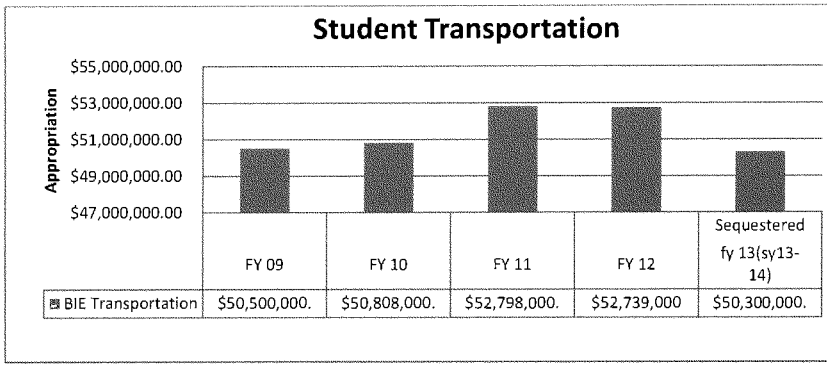
[The statement of Tom Miller follows:]

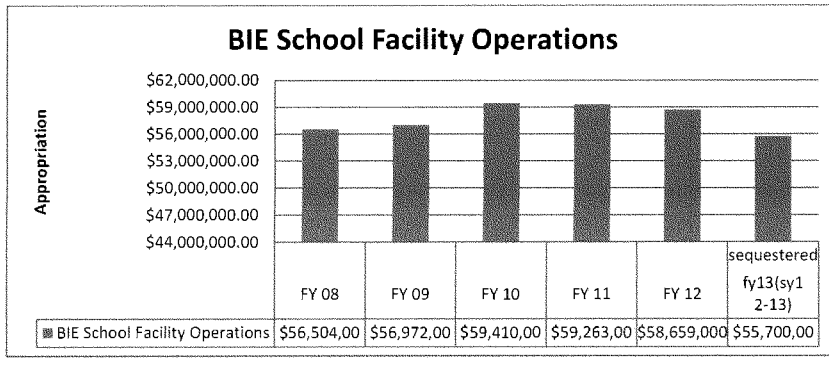
My name is Mr. Tom Miller; President of the Association of Community Tribal Schools Inc. (ACTS) and Superintendent of Hannahville Indian School located on the Potawatomi tribal lands in the upper peninsula of Michigan.

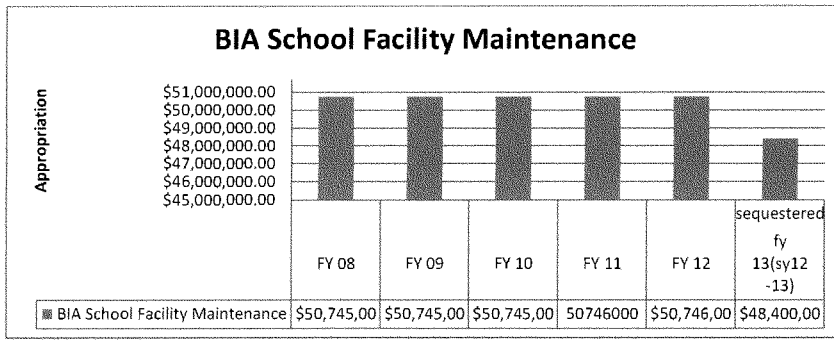
The tribal school movement started in 1966 with Rough Rock Demonstration School. Now, there are over 28,000 students in 125+ tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico.** ACTS represents a significant number of the over 125+ tribally controlled elementary and secondary schools. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

The following charts illustrate the stagnant, and in most cases diminishing revenues over the past 5 years.




Student Transportation
Appropriation
$55,000,000.00
$53,000,000.00
$51,000,000.00
$49,000,000.00
$47,000,000.00
FY 09
FY 10
FY 11
FY 12
Sequestered fy 13(sy13-14)
BIE Transportation
$50,500,000.
$50,808,000.
$52,798,000.
$52,739,000
$50,300,000.


BIE School Facility Operations
Appropriation
$62,000,000.00
$59,000,000.00
$56,000,000.00
$53,000,000.00
$50,000,000.00
$47,000,000.00
$44,000,000.00
FY 08
FY 09
FY 10
FY 11
FY 12
sequestered fy13(sy12-13)
BIE School Facility Operations
$56,504,00
$56,972,00
$59,410,00
$59,263,00
$58,659,000
$55,700,00


BIA School Facility Maintenance
Appropriation
$51,000,000.00
$50,000,000.00
$49,000,000.00
$48,000,000.00
$47,000,000.00
$46,000,000.00
$45,000,000.00
FY 08
FY 09
FY 10
FY 11
FY 12
sequestered fy 13(sy12-13)
BIA School Facility Maintenance
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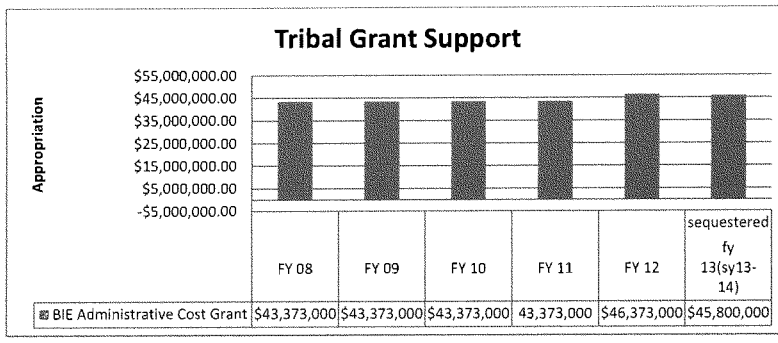
$50,746,00
$48,400,00



Requested Action

1. **Eliminate**
   BIE-Elementary/Secondary Programs-ISEP Program Adjustments
   BIE-Elementary/Secondary Programs-Education Program Enhancements
   BIE – Advancing Indian Education Initiative – Pilot Turnaround Model
   (These funds are used to control schools and hamper progress, the BIE uses Program Elements to dictate what schools should do to improve and has nothing to do with school improvement; no need for another expensive unproven Pilot Program)
   $ 35,000,000

2. **Increase**:

BIE-Elementary/Secondary Programs-Facility Maintenance	$ 3,000,000
BIE-Elementary/Secondary Programs-Tribal Grant Support Costs	$ 5,000,000
BIE-Elementary/Secondary Programs-Facility Operations	$ 6,000,000
BIE-Elementary/Secondary Programs-ISEP Formula Funds(restore)	$ 16,000,000
BIE-Elementary/Secondary Programs-Student Transportation	$ 5,000,000
	$ 35,000,000

Restore the Construction – Education Construction Activity to the FY 2010 levels. The BIA reports a nearly $ 75,000,000 annual facility deterioration rate and also reports a $3.4 billion school replacement need. The schools will not be able sustain a cut from Education Construction.

3. **Eliminate** the following Administrative Provisions language to allow current schools to expand grade level offerings and allow tribes to apply to operate a Grant School:

   "Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995."

Mr. COLE. Thank you for your testimony, and our last presenter today will be Chairman Roger Trudell, the Santee Sioux Tribe.

WEDNESDAY, APRIL 24, 2013.

SANTEE SIOUX TRIBE

WITNESS

ROGER TRUDELL

Mr. TRUDELL. Good afternoon, Chairman and members, Ms. McCollum. My name is Roger Trudell, and I am the Chairman of the Santee Sioux Nation in Nebraska. I am not going to read to you or, you know, because I did do a testimony, and that is available to you. You have heard from the Lakota, the Nakota, and now you will hear from the Dakota. Originally, the Santee Sioux are from Minnesota, and we were exiled from there in 1862. So that is how we ended up being in Nebraska.

We have experienced exactly what we are experiencing now, you know, and that is the many broken promises of the government, you know, which led to a very, very harsh time in our history, and we did rebel. We probably rebelled in the wrong way, and we took up arms, and we fought for what we thought was right, you know. Our relatives were hung in the largest mass execution in the United States at Mankato, Minnesota, and the day after Christmas, 1862, over 300 imprisoned at Davenport, Iowa. The rest put on the road to Crow Creek, South Dakota, and from there to Nebraska, and it is a little better than the Everglades or how do they pronounce that? The Galapagos, I guess.

So, anyway, that is why we are there. We had many friends along the way. They continue to be our friends. Chairman from Three Affiliated Tribes took many of our people in. We are not the largest tribe in the Great Plains, you know. We are not the largest land-based tribe. You know, we had many, many members at one time, but they are in Canada or have been absorbed by other tribes, re-affiliated. Sitting Bull took in a number of our people, and you know, we are in Nebraska. We have some relatives still in Minnesota, you know, who are much more prosperous than we are and appreciate that because they help us out every now and then.

Did not want to talk too much about, you know, the '14 budget because, you know, we presented some things that we take exception to. When you talk about, you know, what is the impact of the sequestration as it is to date, the impact on the Indian House Service is in our area, you know, about 6,000 people are going to go without service, and these are people that you would consider Priority One people, Contract Health Service had been approved but some of those people that have been approved are not going to be served and another 1,700 applications and this was as of last Friday are going to be denied. So that is a little over 6,000 people who are eligible for Priority One services, and of course, I do not have to tell you what Priority means, Priority One. You are either not long for this world or you are leaving this world. So those people are not provided that service, you know. Where does that leave

them at, and you have heard about people going ahead with treatment and personally losing their credibility with creditors and having their incomes attached and all that. It is not a good place to be.

Indian Health Service in my mind should have been exempted from any cuts as well as the Bureau of Indian Affairs, their direct service dollars I should say and the ones that go to the GA clients and those types of dollars, should have been held safe in some way. I sat in on a budget meeting yesterday with the Chairman. I heard about deferred service. I am still trying to figure out what a deferred service is. It means some time in the future you might get served if there is something available, but as it is today if a person walked in for GA services, they are going in there because they have no other resource, going in to get some food for their family, something, you know, something critical, and they will be deferred until sometime in the future.

Another thing I am not sure of how it ever took place was at BIA Social Services, Indian Health Service became the provider of last resort. It means after all your other resources, if they are available, have been exhausted, then they will step in. You know, this is not what the treaties were about, and we are signers of the 1868 treaty, and those gentlemen that took people in, did not take it in because they did not want to fight no more. They took them in to preserve a place in the future for us. Those are our great great grandfathers, you know. They wanted to see us be around for all times, and we are here, and I think maybe somewhere along the line maybe people resent that, but we are nations within this Nation, and we all have treaties with the United States government that somehow are not being honored.

Even Indian Health Service, the Bureau of Indian Affairs, our treaties do not even talk about them. They talk about service directly to our tribal people, to our tribal members, education, medical assistance, meeting the social needs of our people. Those were what were promised, you know. As it is today we all stand on this three-legged stool waiting for somebody to either put in that fourth leg or kick another leg out so we do not have to worry about this stuff anymore, you know. We will not be around to worry about it.

Put that fourth leg in and make us solid and that can be done congressionally, you know. There are laws that can be passed and allow the tribes an advantage in the free world, the free trade system. You know, those are the kind of things that we need to be looking at so we will not be in this situation when we are coming here to say this is how we are suffering. You know, let us have some advantage that allows us to generate the kind of dollars that we need to take care of our people, and we will not be here, you know. We will be taking care of our people.

And I see the light blinking, so thank you for your time.

[The statement of Roger Trudell follows:]

Testimony of Roger Trudell
Chairman, Santee Sioux Nation
Before the House of Representatives
Committee on Appropriations, Subcommittee on Interior and Related Agencies
Hearing on FY 2014 Appropriations
April 24, 2013

Good afternoon Mr. Chairman and Members of the Committee. My name is Roger Trudell and I am Chairman of the Santee Sioux Nation. I thank you for the opportunity to provide testimony today on behalf of my Nation on the Fiscal Year 2014 Appropriations requests of IHS and BIA.

The Santee Sioux Indian Reservation is located in a severely economically depressed area of rural northeastern Nebraska. The Reservation covers approximately 184 square miles (approximately 117,000 acres), and its borders are marked by Lewis and Clark Lake and the Missouri River to the north and boundary lines to the east, west, and south. The Nation has approximately 2,900 enrolled members, approximately 800 of whom reside on or near the Santee Sioux Indian Reservation. However, our Clinic provides services to at least 1,300 individuals, both Santee members and members of other tribes. The resident population is primarily centered in the village of Santee in the northernmost portion of the Reservation; however, there are some tribal members who reside in rural parts of the Reservation.

The Santee Sioux Nation has suffered for years due to inadequate funding, high poverty rates, and the loss of much of our land base due to the construction of the Gavins Point Dam. Our extremely rural location has inhibited our ability to develop viable economic ventures to fund critical government and social programs. In addition, the Santee Sioux Nation currently faces an immediate and dangerous crisis due to the influx of methamphetamine onto our lands. Given these critical needs, this is why I was so offended when the BIA and IHS asked me, as the leader of the Santee, to recommend programs which could be cut or eliminated. Mr. Chairman, all of our programs have been underfunded since inception, so none of them have completed the task for which they were created.

We operate a variety of Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs – all of which are critical to our tribal members. In addition to providing needed services, these programs also offer some of our areas only employment for both tribal non-members. Because we are a Treaty Tribe, the Santee Sioux Nation must be fully functional 365 days of the year using only federal funds and our limited tribal income. Our assistance from the State of Nebraska is minimal at best. Current BIA and IHS funding, does not, and never has met our basic needs. Now with sequestration, things have gotten worse, and the impacts that are being felt as a result of that decision will last long after sequestration ends.

HEALTH CARE – I am also honored to serve as the Chairman of the Great Plains Tribal Chairmen's Health Board. Through my participation on this Board, I am also thoroughly familiar with the unique issues and health care needs facing tribes in the Great Plains. Today, you are hearing a variety of tribes from our region present a common theme: The Aberdeen

Region's IHS health care system is underfunded, mismanaged, and our needs are increasing a lot faster than our dollars.

One of the biggest problems facing our area is our lack of adequate Contract Health Care funding. While national CHC appropriations have risen, our costs have risen at a much faster rate. Despite the efforts that you have made, our Santee CHC program still runs out of money well before the end of the fiscal year, and our people are still limited to what IHS artfully refers to as Priority One. I do not know if any of you have had gall stones or other similar "non-priority one" ailments, but they are not a pleasant thing to live with. Pepto Bismal and over the counter medications only do so much. While the Congress and the Administration talk about awarding limited dollars, we at the local level know that what they are really doing is rationing pain. That, Sir, is a sorry state of affairs, and it should be seen as a national embarrassment. Why should an Indian person from Santee lose their vision to cataracts in 2013? People forget that when your vision is impaired or you experience repeated pain or physical, your entire life changes, but unfortunately it does not change enough to force the IHS to request enough money to treat the causes of that discomfort. We are a proud people, but I am not too proud to come here and ask you for help to stop this reoccurring cycle.

Prescription drugs are also something that our people often have to go without because of our lack of CHC dollars. While our clinic tries to stock the basics, those with special needs have to go to outside pharmacies to get the drugs that they need, and many of those pharmacies do not like to accept IHS referrals when their bills to that Agency do not get paid in a timely manner, if at all.

We at Santee are proud of the clinic that we have built and now operate for our people, but that clinic is only going to be successful if the IHS has to dollars to meet the obligations that it has made when we made this investment. Every year we hear the IHS talk about the increases it has requested, but what they fail to tell the public is how those so called increases actually compare with our actual rising costs.

I know that federal funding is tight, but health is not something that can wait, so please do everything in your power to increase the IHS budget, especially contract health care, as high as possible, because our people's lives literally depend on it.

CONTRACT SUPPORT – Since I have just talked about Contract Health Care, I am forced to stop here and talk about the other trick that is being played in the FY 2014 IHS, budget- trading contract health care for contract support dollars. In essence, what the IHS is trying to trick us into doing is picking up a big part of the cost of providing federal services to our people. If contract support was paying for things that we did not absolutely have to have, this trade off might make some sense, but that is not what is happening. Our contract support pays for two things- our mandatory overhead costs like heating, cooling, and lights, and our mandated federal requirements like accounting systems, audits, record keeping and insurance. So in essence, what the IHS is saying to Santee is if you want more money for contract health care, you have to start paying out of your own tribal pocket for the privilege of doing the federal government's job. IHS is replacing our tribal member's $5 bill from the doctor, with a $5 bill of a different type, the one that requires the Santee Sioux Nation to write a check immediately simply because we found

it more effective to run some of our own health programs. And, it is doing this because Santee, and over one hundred other Tribes, had the audacity to file a claim and ask the IHS to follow the P.L. 93-638 statute and federal procurement laws that were passed by this Congress. This is not only wrong, it's an abomination.

METH – I mentioned earlier our ever growing crisis with methamphetamine. This requires me to talk about the inadequate law enforcement and court services on our reservation. Today we have only 5 police officers and no criminal investigator. Our Court is only able to operate two days per week every other week, and because of inadequate funding we have no full-time judge, and no full-time prosecutor and no full-time public defender. Many of our members are starting to lose faith in our system, because they have come to believe that crime occurring on Santee will never be prosecuted. This lack of law enforcement manpower has left us an open haven for drugs and illegal activity. Drug dealers and other criminals from outside the reservation look at our law enforcement budget and manpower and see us as open territory for their activities. This has allowed Meth to enter into Santee with relative ease. Meth is a law enforcement problem, a tribal court problem and a health problem. If all three of these areas are not working together, we are not going to solve this problem. Meth brings with it increases in thefts, domestic violence and child abuse and neglect and our local police department and court need the funding, the training and the tools to address these new developments. In short, we need the full participation of all of these services if we are going to stop this epidemic.

LACK OF TREATMENT FACILITIES – Finally, I would like to note that we do not have one tribally operated residential alcohol or drug treatment program in the Great Plains. This is true despite the fact that both the BIA and the IHS have repeatedly acknowledged the direct relationship between these problems and an increase in crime in Indian Country. At Santee, we also do not have a social service program adequately trained and adequately funded to address the impact that meth is having on our tribal families. What good is an arrest and conviction of a tribal meth user, if our court lacks the access to programs and services that can help that person and their family change their lives? Isn't it time that Congress and the IHS started looking at problems like this in a realistic way and tried to find ways of bringing real residential treatment services to those who need them most?

OTHER BIA PROGRAMS – While Santee is smaller than many of the Tribes in the Great Plains, many of its needs are similar, especially our need for programs like Aid to Tribal Government. This program, which the BIA proposes to cut, supports our Temporary Aid to Needy Families, our Tribal Enrollment Office, and our Burial program, as well the basic operation of our Tribal Government and Tribal Council and its staff. Because of our rural location and our lack of assistance from the State, programs like these are vital to our ability to support our membership, enforce our jurisdiction and meet our obligations to the United States and surrounding non-Indian communities.

Our BIA funded social services programs are also vital to our membership. They are the programs that help our families in crisis. Programs like ICWA keep our children protected, programs like TANF keep our families housed and fed, and because we are so isolated, our social workers are often the only link that many of our people have to other state and federally

funded programs which can help them find food, temporary housing, energy assistance other similar help.

While we have a relatively small land base, compared to an area like Rosebud, we still need real estate services and wildlife protection and enforcement just to remain in compliance with applicable federal law. All of these costs have gone up in recent years. That is why it is difficult for me to see the Administration suggest that the BIA can continue to operate these programs in FY 2014 at a level which it itself acknowledged, was inadequate in FY 2012. We know how to read the BIA's budget justification, and we are smart enough to can see that virtually every dollar increase is going to pay raises or staffing for new facilities.

HIP – Because it is so vital to our community, I would like to take just a few minutes to address the BIA's proposed elimination of the HIP program. Today at Santee I have families living in homes with broken doors, leaky roofs and virtually no insulation or weather-stripping, in one of the coldest areas in the United States. How can we expect a child to study under these conditions, or expect a person to stay healthy when they have to sleep in their winter coat just to stay warm at night, and how can we expect a family to advance when every dollar they make goes to pay for heat bills? Many of the people in our area who are eligible for HIP dollars are working, but their income remains near the poverty line because their paycheck also has to go to support their parents, adult children and other relatives who cannot find employment. I can assure you that anyone who says that this program is no longer necessary or that these types of concerns are being adequately addressed by HUD programs has never been to Santee.

I would also like to mention the lack of real economic development assistance in the BIA's FY 2014 budget. Because of our extremely rural location Santee has found it difficult to develop viable economic ventures. We need real economic development training and technical assistance, and all we see coming in the BIA's FY 2014 budget are proposed cuts in the substantially underfunded, but very effective, community economic development program operated at the Office of Indian Energy and Economic Development (OIEED). This leads me to believe that the President's and the Congress' message about stimulating the American economy and creating American jobs is meant to be to everyone except Indian people. We have seen some creative ideas come out of the community economic development program operated at OIEED, so why not support those efforts by providing efforts like that with some real dollars to help us decrease our dependence on federal funds?

In closing, I would like to request as strongly as possible that this Congress pass a FY 2014 Appropriations Bill in a timely manner. Santee and many other Tribes are struggling to operate our BIA and IHS budgets, on the limited dollars that are provided, and our job is made a thousand times more difficult when we are forced to operate in the dark. Continuing resolutions result in delayed awards, and delayed awards slow and decrease the effectiveness of our programs and services. Given what we are experiencing now, as a result of the sequester, we cannot withstand another such delay.

Mr. Chairman, thank you for allowing me this time and this opportunity to speak. I will be happy to answer any questions that you might have.

Mr. COLE. Thank you, Mr. Chairman. A couple things real quick. I am going to have to race because I have got actually another committee meeting, but first of all, I want to thank each and every one of you for your testimony and what you had to say, and the common theme runs through it.

I am particularly not surprised but disappointed, Tex, to hear, you know, what you are running up to, because I know this committee really wants to see that development go ahead. We think it is the key to the future in the region, and it is just unconscionable that it is more difficult to develop wealth on Indian land than it is on land right next to it, and I know what you are saying is true, because I know a lot of the guys that are developing from Oklahoma that are up there, and they tell me exactly the same thing that you do in terms of how much more difficult it is to get permitting, how much more difficult it is to operate. They they would love to be drilling more and be more actively involved, and this is one where the Federal Government does not have a very good record which is so often the case.

But we really do need to not pick winners and losers on Indian land. Let the Indians decide what they want to do with their resources, and they are their resources. That is not federal land. That is land we hold in trust, but that is not owned by the United States government. That is owned by the tribes. That is not the same as federal land elsewhere. It seems to me you ought to be able to decide the regulatory regime that you want to operate under and then we ought to replicate it. If you want to run it yourself, then we have an obligation to help get that set up, but we should not have an artificial distinction between Indian land and non-Indian land unless the Indian tribe wants that distinction. That is up to them. That is their land.

Why we would not have the same permitting process, the same costs, the same speed that you can get right next door, and I do hear occasionally that part of our problem is every time we get skilled people up there that the oil companies are desperate for people, and you know, you have a better opportunity. But we still need to do an awful lot better here. I think this could be a really transformative event. It already has been to some degree, but it ought to be more.

I would be very interested in pursuing the points you raised about taxation in terms of what is happening with state taxation and dollars not flowing back because we all know how infrastructure poor those communities are. It is actually not an advantage having lost our tribal lands in Oklahoma other than what we hold in trust, but it did mean when the state was developed, we got the same infrastructure that everybody else got. So let's chat some more about this, but I really want to help on those areas.

And, you know, it was probably tough to leave Minnesota, but cheer up. You could have been sent to Oklahoma instead of Nebraska. You would still be in the Big 12 anyway.

Mr. TRUDELL. Better than the Big 10 I guess.

Could I comment on one thing?

Mr. COLE. You sure may.

Mr. TRUDELL. Because I heard it over and over today and that is about, nobody actually said it but—historical trauma. That is a

real, real thing. I am a Vietnam veteran, so I know about trauma, probably as many of the people in here. And I know sometimes it is not instantaneous. Sometimes it sits there for years and years before it comes, but I just wanted to make reference to my little girl who had seen, well, they had the film out about the 150 years of the members of our tribune being hung, but they did not have people there to explain what was going on. So when she came home, she was telling me about it. She was, do you know about that, Papa, and I said, yeah, but, you know, I am sorry that somebody was not there to kind of explain what was going on, you know, because it is the public school district, and it does not have a lot of tribal involvement, and I said, that did happen. I said, it is real. I said, you know, we did what we did because, you know, we felt we had to do that to feed our families and stuff. That is why our ancestors did that.

But that trauma is still there when they see that, you know. It comes out, and you deal with these problems every day. Mental health I think is the largest health issue on the reservations, much larger than diabetes, because if you do not have good mental health, you are not going to be well, you are not going to take care of yourself, you are not going to worry about what other disease you have. So I think you will really want to impact reservations in the not too distant future then you need to address the mental health issue that exists there, whether it be historical trauma or the trauma that is happening every day in the homes. You heard about the abuse of the women, the abuse of the kids and neglect. Those have to be addressed in some very, very serious way in the near future, or we will not be nations anymore.

Thank you.

Mr. COLE. Thank you for your observation.

Ms. McCollum.

Ms. MCCOLLUM. Thank you. In Minnesota we are revisiting the history. To call it an anniversary bothers me but some of our tribal elders have used it, too. We worked with the schools and our curriculum in Minnesota. Chairman Crooks led it up, and I think we told the truth, and people can see the truth differently from their perspectives, and our history center in Minnesota has some information out, and we can talk and get that to your daughter because it has been a very emotional time in Minnesota, and Chairman Crooks is now no longer with us unfortunately. He did a really good job of making sure that the whole story was told.

I am a social studies teacher so I am really aggravated that your daughter did not get a good opportunity.

I am hearing a couple of homework assignments here. Follow the money on the oil and gas as Tex was talking about.

Mr. COLE. I think so.

Ms. MCCOLLUM. Yes, and we need to ask the tribes to put together maybe for us on the floor, because I think we are going to try to set some rights here, to get some numbers of people that we already know are being deferred healthcare or being turned down and maybe our staffs can work with the tribes to get that, and then some examples in the education. The Obama Administration has put everything on hold. We need it not to be on hold. We need it to be gone, but I know that when Leave No Child Behind started

happening, people were told that they were to take their Esther Martinez funds and put it into Title I. My office and other offices up here got involved and said, no way. If there are some examples you can give us of what is going on like that, you know, later on with our staffs, we would be indebted to you for you giving us some other examples like that.

Mr. TOM MILLER. I can do that within the K through 12 and the BIE-funded system.

Ms. MCCOLLUM. Perfect.

Mr. TOM MILLER. We will get you that.

Ms. MCCOLLUM. Perfect. Thank you. Thank you for your testimony.

Mr. COLE. Thank you. Thank all of you.

And, Tex, just one thing. We may have, it hasn't been decided yet, but we have got some folks on Ways and Means that are working on the whole Indian taxation issue, and let us check. There may be an opportunity to testify in front of the premiere tax writing committee. Lynn Jenkins from Kansas is kind of working on this. This came up in a discussion we had with a number of tribes. They had a whole series of tax-related issues. We may be headed toward an overhaul of the tax code, and it seems to me that some of the points you were making about the taxation would be a really important thing for that committee to hear.

So we will try and work with you on that if that comes. We are trying to push for a number of members, both sides of the aisle. I think there needs to be a special hearing on Ways and Means on Indian, on tribal nations and taxation, and this would be, I think, very valuable.

Mr. HALL. Really appreciate that opportunity. We think we have got the story.

Mr. COLE. Yes. I think you do, too. It is an old story.

Mr. HALL. We want to invite you guys to MHA in North Dakota. We will do a helicopter cruise through the Badlands and through the oil and gas fields.

Mr. COLE. I would love to if we can figure out a way to get there.

Mr. HALL. We will make it smooth as glass so you do not have to worry about any of those little bags that you have to carry.

Mr. COLE. I appreciate it.

Mr. HALL. I think just seeing is believe, and they took Senator Heitkamp down into the Badlands with that helicopter, and she said I did not know you had this much development. I did not know your roads were like, you know, so seeing is believing.

Mr. COLE. Yes.

Mr. HALL. We want to offer that to you.

Mr. COLE. A pretty compelling picture you have got in this testimony.

Again, I want to thank all of you gentlemen. I know it has been a long day. Thanks for traveling a very far way, and thank you for your helping this committee understand the problems.

The committee is adjourned.

THURSDAY, APRIL 25, 2013.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—NATIVE AMERICANS

Mr. SIMPSON. The Committee will come to order.

Good morning, and welcome to the third of our four public witness hearings over yesterday and today, specifically for American Indian and Alaskan Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today, and in the audience. You deserve be heard for more than the 5 minutes we have allotted today, and I want you to know that you have an open invitation to call me and my staff directly so we can schedule more time outside of these hearings.

Despite a somewhat abbreviated hearing schedule this year, I am proud that this subcommittee is able to hold hearings on these very important programs. They have been and will continue to be a bipartisan funding priority of this subcommittee.

The chair will call each panel of witnesses to the table, one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. When you see the blinking red light, I am going to have to ask you to stop because we are on a schedule to try to get them all done. This is out of respect for more than your time and ours as this is a busy day on Capitol Hill and no doubt everyone testifying today has a schedule to keep. Members will be provided an opportunity to ask questions of the witnesses, but in the interests of time, the chair requests that we keep these things moving in order to stay on schedule.

The chair also wants to remind those in the hearing room that the Committee Rules prohibit the use of outside video cameras and audio equipment during these hearings.

The reason I am the only one here this morning to start with is, members on this Committee have several committees they have to cover and many of them are at other committee meetings and will be stopping in and so forth as time permits in their schedule.

Mr. SIMPSON. Our first panel is Jaime Pinkham, James Zorn, Eric Chapman and Jimmie Mitchell. And we have Michael Isham, Jr., also here.

Welcome, gentlemen. Jaime, you are first.

THURSDAY, APRIL 25, 2013.

BUSH FOUNDATION

WITNESS

JAIME A. PINKHAM

Mr. PINKHAM. Thank you, Mr. Chairman. I am Jaime Pinkham with the Bush Foundation based in St. Paul, and I lead the Foundation's Native Nations program, but I am Nez Perce and I am transplanted to the Midwest for the past 4 years. And I want to thank Representative McCollum for extending an invitation to testify before this subcommittee to talk about the Bush Foundation's work with the 23 sovereign tribes that share the homeland with North Dakota, South Dakota and Minnesota.

And just briefly, back in 1859, Archibald Bush was chairman of the 3M Committee and used his personal wealth to start the Foundation, and over the last 60 years they have provided over $800 million to support leadership and community innovations of which tribes have been a major recipient.

Well, governance is one of many tools that tribes use to provide for their general welfare, and in 2009, the Bush Foundation launched a tribal program focusing on the principles of Native nation building, and it comes out of the Harvard Project for American Indian Economic Development and Native Nations Institute, which is really a process where tribes use their true self rule to design the governments that are most effective for them to meet their well-being. And so we have been working with tribes on investing and creating capable governing institutions to back up their authority, things like constitutional reform, judicial, executive and legislative processes. And the Harvard Project and the Native Nations Institute is a major partner of ours in leading this work.

But tribal governments are the oldest and often most misunderstood and sometimes underestimated governments in this Nation but the Foundation has made a commitment because they are part of the national fabric of governments in this country and they have a legitimate role, not only for their Nation but for the welfare of their neighbors.

And so as a foundation, when you work at this level you have got to respect tribal sovereignty and self-determination, which means that we collaborate directly with the tribal leaders in addressing their needs and conditions and creating partnerships with them and the partnerships vary from direct program grants to master agreement with Native Nations Institute where we provide services at no cost to the tribe as well as the tribes can pull off the shelf consultants or expertise. We contract directly with them.

So there are a variety of ways that we enter into these partnerships, and tribes have really asked us to provide them with these nation-building conversations to help, you know, create a common identity within their nation about what is the role of government in their community, so we have been hosting conversations amongst the tribal leaders and amongst the tribal community to come up with a long-term vision of the role of government in these nations.

In addition, Mr. Chairman, one of the tools that we use is a tool by the Native Nations Institute called the Governance Analysis for Native Nations, which is an extraordinary tool that helps the tribes evaluate their strategic directions as well as their various governance systems within their community to figure out, you know, what can use some improvements and the challenges they had, and it comes out with an action plan that really the Foundation uses as trying to frame long-term partnerships with them.

And tribal governments are also essential not only for their welfare but the welfare of their neighbors and so we have working to foster intergovernmental collaboration between tribal governments and non-tribal governments as well as intergovernmental collaboration between tribes trying to help overcome some of the conflicts that existed within the region but also there are mutual problems they want to address and collaborative efforts and moving forward, so we are fostering that kind of work as well.

You know, the more we get into this, just the demand for this nation-building expertise and resources continue to increase. The tribes are asking us for more expertise, more research, even more financial resources to help lead this nation-building effort among the tribes. And so we have been investing in capacity of other institutions like the Harvard Project, the continuation of their Honoring Nations program, which is a very innovative approach to uncovering best practices of governance in Indian Country and sharing them, continue to work with the Native Nations Institute, who are based in Tucson, to expand their capacity to deliver services up here through tools, executive education as well as a governance database to try to put more information at the fingertips of the tribal leaders.

We recognize that success in this kind of work won't happen overnight and so we will continue to look for additional partners and resources to help support this work with a primary focus within our region, and I want to just close by saying, you know, we are one of many foundations in the United States working within Indian Country and by no means our strategy and approach—we are not saying it is the right one. There are many needs and demands in Indian Country. We are just one of many. However, we believe that we complement the work of other foundations, public and private dollars that go into tribal communities by focusing on shoring up tribal governance, which we hope would help provide them the ability to reach their goals.

And finally, I would like to point out that I think it is worth sharing that public and private entities have much to gain in learning about the principles of Native nation building as they work with the political institutions of tribes because engaging tribes with those principles in mind can help both entities align their goals and their strategies.

Mr. Chairman, that concludes my remarks. Thank you.

[The statement of Jaime Pinkham follows:]

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Jaime A. Pinkham, Vice President
Bush Foundation
April 18, 2013

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

This testimony addresses the Bush Foundation's support to advance self-determination for the 23 sovereign Native nations (tribes) that share the same geography as Minnesota, North Dakota and South Dakota[1]. These tribes have a unique trust relationship with the United States administered, in part, by the Department of Interior as well as other federal agencies under the jurisdiction of the full Committee on Appropriations.

Background

In 1953, Archibald Granville Bush, former chairman of the executive committee for Minnesota Mining and Manufacturing (3M Company), and his wife Edyth established the Bush Foundation using their personal assets. For the past 60 years, the Foundation has provided more than $800 million in grants and fellowships to improve the well-being of people in Minnesota, North Dakota, South Dakota and the 23 Native nations.

Under the Foundation's efforts to support community innovation and leadership, a new Native Nations program was created in 2009. This program was developed to support the 23 tribes as "they exercise self-determination to actively rebuild the infrastructure of nationhood"—a process referred to as "Native nation building."

Basis for the Foundation's Approach to Native Nations

The design of the Native Nations program relied on tribal leaders' input and an examination of research conducted by the Harvard Project on American Indian Economic Development (HPAIED) and the Native Nations Institute for Leadership, Management and Policy (NNI). Their research provided evidence that progress overcoming core challenges was greater as tribes relied on self-determination to develop the governing foundations and institutions necessary for community social and economic wellbeing. This process is referred to as "nation-building"

[1] These nations are: Bois Forte Band of Chippewa; Cheyenne River Sioux; Crow Creek Sioux Tribe; Flandreau Santee Sioux; Fond du Lac Band of Lake Superior Chippewa; Grand Portage Band of Chippewa; Leech Lake Band of Ojibwe; Lower Brule Sioux; Lower Sioux Community; Mandan, Hidatsa, Arikara Nation; Mille Lacs Band of Ojibwe; Oglala Sioux; Prairie Island Indian Community; Red Lake Band of Ojibwe; Rosebud Sioux; Shakopee-Mdewakanton Sioux Community; Sisseton-Wahpeton Sioux; Spirit Lake Nation; Standing Rock Sioux Tribe; Turtle Mountain Band of Chippewa; Upper Sioux Community; White Earth Band of Ojibwe; and Yankton Sioux.

and their research identified five important components: 1) Sovereignty in practice (true self-rule, the tribe calls the shots), 2) Capable institutions (back up authority with competent systems, policies and laws), 3) Cultural Match (legitimacy in governments that match their community's values and expectations), 4) Strategic Orientation (focus on long term priorities), and 5) Public-spirited Leadership (represent the nation's vision and interests).

Key Partnership: Native Nations Institute for Leadership, Management and Policy (NNI)[2]
NNI is uniquely equipped to be the Foundation's primary resource partner to support the Native nations work at both the Foundation and tribal level. NNI provides decision makers with research and policy analysis of tribal governance and development and comprehensive training to meet the needs of tribal leaders and management. Much of NNI's training materials and tools have been developed collaboratively with the Harvard Project on American Indian Economic Development's (HPAIED) relying on their "Honoring Nations Program", research capabilities and governance expertise.[3]

In 2009, the Foundation entered into a 10-year Memorandum of Understanding with NNI. Under the MOU, NNI provides nation building training, leadership development, technical support, web based curriculum, governance assessments, and maintains a governance database useful for both the tribes and Foundation.

Tribal and Bush Foundation Partnerships
This work requires a Foundation strategy consistent with self-determination including respect for each tribe as distinct political institutions. As such, the Foundation collaborates with the elected leaders to create partnerships specific to an individual tribe's needs and conditions.

The Foundation's fiscal relationship with tribes varies in how resources are delivered. It includes direct grants to tribes, the Foundation contracting directly with consultants to provide services to tribes, and NNI support for tribes under the MOU at no cost to the tribes.

The Foundation's work can be framed in four key areas:

1. *Supporting Tribal Leaders and Tribal Foundations of Governance*
2. *Investing in the Capacity of Others to Support Tribes*
3. *Native Nations Rebuilder Program*
4. *Intergovernmental Relationships*

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[2] The Native Nations Institute for Leadership, Management, and Policy (NNI) was founded in 2001 by The University of Arizona and the Morris K. Udall and Stewart L. Udall Foundation as a self-determination, self-governance, and development resource for Native nations. It is housed at the university's Udall Center for Studies in Public Policy. NNI's mission is to "assist in building capable Native nations that can effectively pursue and ultimately realize their own political, economic, and community development objectives."

[3] The Harvard Project on American Indian Economic Development aims to understand and foster the conditions under which sustained, self-determined social and economic development is achieved among American Indian nations through applied research and service. HPAIED is housed within the Malcolm Wiener Center for Social Policy at the John F. Kennedy School of Government, Harvard University. The Harvard Project's core activities include research, education and the administration of "Honoring Nations", a tribal governance awards program.

1) Supporting Tribal Leaders and Tribal Foundations of Governance
The Foundation's support for Native nation building efforts begins at that intersection of leadership and self-determination. The work is dependent on the collaboration and willpower of tribal leaders and their citizens.

A valuable step for many tribes was Foundation support to provide nation building training and starting a "new conversation" among the tribes. This began with training for elected leaders and, at their request, could be delivered within the communities to engage citizens in the nation building conversations about tribal government's role in serving citizens' needs. One way the Foundation supports these conversations is through NNI's Governance Analysis for Native Nations (GANN) forums. The GANN is a self-administered tool to help tribes assess their current strategic direction, self-determination strategies, foundational institutions, and governing tools such as administration, human capital and financial management. At the end of these forums tribes develop a plan of "Priorities and Action." To date, over half of the 23 tribes have participated in a GANN forum.

The Foundation is available to support tribes in recreating governing practices, constitutions, laws, and codes as well as executive, legislative and judicial processes. Since 2009, the Foundation has supported tribal constitutional reform, revision of election procedures, updates to tribal codes and laws, nation building training, and GANN forums.

2) Investing in the Capacity of Others to Support Tribes
The nation building effort requires access to resource partners who can support the tribes and Foundation with expertise, tools and training. The Foundation is investing in the capacity of NNI and HPAIED, both highly credible organizations in Indian Country. Support to NNI has included revisions to the GANN, developing new and refining existing curricula, designing a series of on-line courses (nation building, constitutional reform, intergovernmental affairs, leadership, and justice systems) and the development of a governance data base. These resources are also available to all tribes in the U.S.

The Foundation's recent partnership with HPAIED is designed to continue their "Honoring Nations" program, an innovative approach to discovering and celebrating best practices in tribal governance across the U.S. Best practice case studies are a valuable source of educational content and sharing of innovative practices for use by others. The HPAIED partnership also includes an apprentice program to expand the number of nation building best practice "investigators" who can in turn use the experience and skills to provide direct services to tribes.

3) Native Nations Rebuilder Program
The Foundation sought the advice of tribal leaders to design a Native nation building leadership program. Tribal leaders suggested that designing and implementing a nation building strategy should not be the sole responsibility of elected leaders. They suggested a cohort of community leaders was necessary to get communities engaged. In response, the Foundation designed the Native Nations Rebuilder Program. Launched in 2010, the program supports the development

of current and emerging leaders. Participants are exposed to nation building principles, community engagement strategies, leadership skills and a network of leaders with similar aspirations. To date, four cohorts have entered the program consisting of 61 "Rebuilders" from 18 of the 23 tribes. Several Rebuilders also hold key positions in tribal and state government including elected and appointed positions.

4) Intergovernmental Relationships
Tribal and nontribal government collaboration as well as governmental relations between tribes is a nation building technique. The Foundation wants to support intergovernmental relations to overcome conflict, capitalize on common interests, collectively solve mutual problems, and develop joint opportunities. One tribal-state tax agreement and two multi-tribe efforts have already been supported.

The Work Ahead
The Foundation's approach is relatively unique in Indian Country and since 2009 the Foundation continues to learn and adjust. An important question is what short and long term indicators of success should the Foundation use to measure progress under a nation building approach? Consistent with self-determination, indicators will be identified in collaboration with tribal leaders and their tribes and may vary by tribe.

Interest in reforming and amending tribal constitutions is growing. The Foundation is currently supporting three tribes with a significant commitment of resources. Additional tribes are laying the ground work to begin a constitutional reform effort. The Foundation will be searching for additional partners with a willingness to share new financial resources. The Foundation has been able leverage portions of the work through financial and technical support provided through the Bureau of Indian Affairs and other private and tribal foundations.

As nation building conversations and projects expand nationally, the demand is increasing for nation building expertise, coordination, research and technical assistance. The Foundation will be evaluating the best strategic approach to increase the development of supporting resources primarily within the region while also exploring additional funding partners.

The Bush Foundation is one of many foundations investing in Indian Country and the approach being taken should not be interpreted as the only foundation-tribal approach that works. There are many needs and strategies foundations use to respond to the important needs of tribes and their communities. However, a nation building approach can enhance and complement the outcomes of other public and private entities who invest in tribes.

Finally, a lesson worth sharing is that public and private entities have much to gain from understanding Native nation building principles. Learning the principles and developing tribal relations with these principles in mind will help those entities find common interests and better align their strategies with Native nations to achieve mutual goals.

Mr. SIMPSON. Jim.

THURSDAY, APRIL 25, 2013.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

WITNESS

JAMES ZORN

Mr. ZORN. Good morning. Thank you. My name is James Zorn, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission, and thank you for allowing my boss to have an opportunity to take over for me in just a short minute or so here.

On behalf of the Commission's 11 member tribal nations, their 40,000 members, their families and their communities, thank you. A big [speaking native language] to this Committee for its 30 years of support for honoring this Nation's treaty obligations so that the tribes can provide for food, for their economy, for their culture, for their spiritual needs, to keep families together through the exercise of their treaty-reserved hunting, fishing and gathering rights.

As you know, the rights protection implementation treaty commissions this year banded together to help tell the story of the good work that they do, and so if the Committee hasn't seen this publication yet, I think, Darren, you probably have it, just to show that we all stand together for this line item, and Jimmie Mitchell is here from Cora to testify as well. So this helps tell the story of why these programs are important to tribal communities. So that with our written testimony is there for the record.

What we would like to highlight is how these programs, as Ron Allen said and others yesterday from the other commissions, from the highest level of government internationally, nationally to states down to the weeds of science for the biologists like Mr. Benjamin, these commissions provide services to their tribes and the other communities to help conserve, protect and restore our national resources and their supporting habitat. And the real focus is to provide for the overall health and well-being of the tribal communities.

So the Commission supports obviously the rights protection implementation line item at the levels that the Administration has proposed and that this subcommittee supported last year. It does not meet all the need but, hey, let us keep moving in the right direction. And this allows us to leverage other funds, for example, as pointed out in the departmental highlights of the budget this year, our cooperative work in the Great Lakes Fisheries management in the Great Lakes, with funding that allows us to leverage funding from Fish and Wildlife Service and other agencies, to control things like invasive sea lamprey. If we could control those, harvest of the lake trout could almost double to provide for better economy and more recreational fishing opportunities. So it is money well invested that produces on-the-ground results.

The Great Lakes Restoration Initiative, obviously the tribes support that. We would love to see that funding to continue to come to the tribes through the familiar mechanisms of the Self Determination Act delivery system, and again, that produces results. I

know, Mr. Simpson, you have always had questions, is there a good plan; yes, and this is what the tribes do. So if you need to see that for the record, please take a look. There again, what we see as for tribal communities nearly 25 percent of the wild rice harvest right now, of state and tribal harvesters, is accomplished through restored wild rice waters, so it is very important. Obviously, contract support and so on.

So Chairman Isham will tell a little bit more of the story.

Mr. ISHAM. My name is Mick Isham. Thank you for the time. You know, treaty rights to us, I just want to let you know what that means to our people. As a young guy I just considered treaty rights the ability to go out and get a deer or get some fish, but now as a tribal leader, I am faced with issues like diabetes, youth issues like gangs and drugs, and of course, the recession, jobs issues, and I really look to treaty rights as kind of the biggest tool to use to combat most of them, and I will give you an example. For example, diabetes, we are really promoting getting away from the processed foods and commodity-based foods and go back to our fish, deer, wild rice and promote healthier lifestyle that way.

The youth gang-type issues, many of you are aware probably through the 1950s through the 1970s the relocation programs where our people were moved from reservations to inner cities for jobs. Well, now our people have been coming back and the youth have brought with them Latin Kings, Club Boys, all these gang-type issues, and to combat them, we are really promoting hunting, fishing and the cultural identity. I mean, for a young kid, the greatest high is to get that first deer, get that first musky, and to be able to go out and give that to your elders and fulfill your cultural needs as a Native man, that is a big pride and they can find their identity in that.

You know, and of course, the recession, the treaty rights provide a lot of jobs because we have a lot of—under the treaty rights cases, we have a lot of responsibilities, count and measure every fish, our wardens, so we really look to our treaty rights to try to fulfill a lot of our needs to help us with our problems on our reservations. Thank you.

[The statement of James Zorn follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Red Cliff Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	St. Croix Chippewa	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	Sokaogon Chippewa	

FY 2014 TESTIMONY
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
BY
JAMES E. ZORN, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

1. BIA RIGHTS PROTECTION IMPLEMENTATION: $36,722,000. Great Lakes Area Resource Management: $7,067,000 (Administration's proposed allocation).

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.[1]

2. BIA CONTRACT SUPPORT: At least the **$231,000,000** amount requested by the Administration, provided this amount meets the full contract support funding required by the Indian Self-Determination and Education Assistance Act.

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Tribal Government.

Funding Authorization: Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h.

3. EPA GREAT LAKES RESTORATION: $300,000,000. TRIBAL NEED: $25,000,000. GLIFWC NEED: $1,200,000 (estimated annual need).

Agency/Program Line Item: Environmental Protection Agency, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

[1] Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

For nearly 30 years, Congress has funded GLIFWC to meet non-discretionary treaty obligations and to comply with associated federal court orders. GLIFWC implements comprehensive conservation, natural resource protection, and law enforcement programs that ensure member tribes are able to exercise their treaty reserved rights to hunt, fish, and gather throughout the ceded territories, and that ensure a healthy and sustainable natural resouree base to support those rights. These programs also provide a wide range of public benefits and assure full participation in management partnerships in Wisconsin, Michigan, and Minnesota.

GLIFWC and its member tribes thank this Subcommittee for its strong support of these treaty obligations for the past 30 years and for its continuing recognition of the hard work undertaken to implement its programs. In addition to increasing its support for treaty rights protection in FY 2012, the Subcommittee fully endorsed the Administration's request for an increase in RPI funding for FY 2013. Unfortunately, no FY 2013 appropriations bill was passed to recognize these increases. With the FY 2012 RPI funding, leveraged with other funding sources, GLIFWC still faced $2,636,000 in unmet needs. Funding at the proposed FY 2014 level would begin to address these unmet needs. For more detail, the three elements of this FY 14 funding request are:

1. **BIA GREAT LAKES AREA MANAGEMENT: $7,067,000.** This program falls within the Rights Protection Implementation (RPI) line item, which the Administration proposed at $36,722,000 for FY 2014. Funds provided to GLIFWC under the RPI program ensure that GLIFWC's member tribes continue to comply with federal court orders by ensuring effective implementation of tribal self-regulatory and co-management systems.

In previous fiscal years, GLIFWC and other Treaty Commissions testified about chronic underfunding of the Rights Protection Implementation line item and the impacts of that underfunding on GLIFWC's programs. The increases in the Great Lakes Area Resource Management line item in FY 2010 allowed the Commissions to restore some program cuts that had resulted from previous funding shortfalls. Sequestration will undo many of these restorations. For example, for GLIFWC, sequestration threatens its long-standing fish contaminant and consumption advisory program, fall juvenile walleye recruitment surveys, tribal court and registration station funding, and Lake Superior lamprey control and whitefish assessment programs. Any of these cuts will have a greater impact now, when demand for GLIFWC's services across the ceded territories is increasing as more tribal members are exercising their rights to put food on their tables during difficult economic times. Funding at the proposed FY 2014 level would protect GLIFWC programs from these cuts.

2. **BIA CONTRACT SUPPORT:** At least **$231,000,000**, consistent with the Indian Self-Determination and Education Assistance Act's requirement for full contract support funding. GLIFWC does not support the Administration's proposal to institute individual statutory caps, in part because there is no funding to cover any shortfalls without undermining service capacity.

3. **EPA Environmental Programs and Management: $300,000,000.** GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at the Administration's proposed FY 2014 level of $300,000,000. It also recommends that at least $25 million be

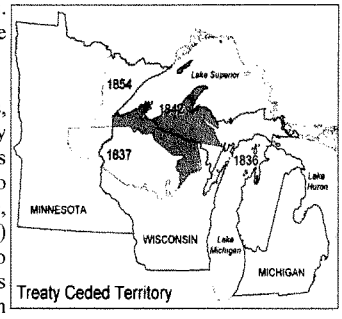
provided to the BIA for tribes, to ensure they are able to undertake local projects that contribute to the protection and restoration of the Great Lakes.

Sustained funding for GLIFWC at approximately $1.2 million will enable GLIFWC to maintain its protection and enhancement activities throughout the ceded territories. These activities are especially important at a time when state and federal agencies are stepping back from on-the-ground protection work due to budget constraints. Protection activities are imperative – protecting resources from degradation is much more effective and cost-efficient than restoration activities. It makes no sense to let resources degrade, only to spend more money on restoration. The benefits of GLIFWC protection and restoration activities are not only felt by its member tribes, but benefit all communities that use the ceded territories.

Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act (ISDEAA). In 2010, GLRI funding awarded through the ISDEAA was virtually the only GLRI funding that was available before the 2010 field season. This enahled tribes to begin project implementation much earlier and realize substantial "on-the-ground" ecosystem benefits early.

CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area that extends to Minnesota, Wisconsin, and Michigan.



Through its staff of 66 full-time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists, GLIFWC's mission is to: i) ensure that its member tribes are able to exercise their Treaty-protected rights to meet subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base to support those rights. GLIFWC is a "tribal organization" as defined by the Indian Self-Determination and Education Assistance Act, governed by a Constitution that is ratified by its member tribes and by a Board composed of the Chairs of those tribes.

JUSTIFICATION AND USE OF THE REQUESTED FUNDS

1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS: Although it does not meet all GLIFWC's needs, sustained funding at the FY 2014 level would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes' treaty-reserved hunting, fishing and gathering rights. It also enhances GLIFWC's capability to undertake work and participate in relevant partnerships to tackle ecosystem threats that harm treaty natural resources, including invasive species, habitat

degradation and climate change.

2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION: GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. It would bring a tribal perspective to the interjurisdictional mix of Great Lakes managers[2] 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]

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, as the Department of the Interior highlighted in its FY 2014 Budget in Brief.[4]

OTHER RELATED APPROPRIATIONS CONCERNS

1. Rights Protection Litigation Support: Litigation support funds are used to defray costs associated with litigation to affirm and implement treaty reserved rights. Defraying these costs, such as those associated with ongoing negotiations with states in on-going co-management activities preserves base funding for GLIFWC's program costs.

2. Rights Protection Evaluation and Research Activities: GLIFWC supports the Administration's proposed $3.5 million for evaluation and research activities in the Rights Protection Implementation line item, provided this funding goes to RPI tribes and intertribal commissions to carry out the evaluation and research activities that will lead to the development of implementation and management strategies to deal with the many changes that are occurring throughout the ceded territories.

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[2]GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, International Joint Commission and SOLEC forums, the Great Lakes Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

[3] With the requested FY 2014 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal input and participation in the implementation of the revised Great Lakes Water Quality Agreement; iii) continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan; iv) build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; v) enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the potential migration of the Asian Carp into the Great Lakes, and vi) enhance its capacity to protect ceded territory natural resources by responding to development proposals such as those related to mining.

[4] The FY 2014 Budget in Brief highlights GLIFWC's wild rice restoration and management activities, done in partnership with the states of Wisconsin, Minnesota, and Michigan, as well as GLIFWC's participation in joint fisheries management on Lake Superior. See pages DH-84 and DH-85.

Mr. SIMPSON. Thank you, Chairman. I appreciate it. I find it a fascinating question, how come Native Americans have such high diabetes rates compared to the rest of the population, and the fact that you can go back to traditional foods is actually helping reduce those rates.

Mr. ISHAM. Well, it is. My grandma, they did not have cars, they walked everywhere they went. They lived in the rice camps and the sugar camps and they also ate the wild foods. Now you got the Big Macs and the commodities and people driving around everywhere, and so we really want to promote that.

Mr. SIMPSON. Big Macs are a problem but the French fries, those are from Idaho.

Eric.

THURSDAY, APRIL 25, 2013.

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

WITNESS

ERIC CHAPMAN

Mr. CHAPMAN. Good morning, Mr. Chairman and members of the subcommittee. On behalf of our tribal chairman, Mr. Tom Maulson, my name is Eric Chapman, Sr. I am a tribal council member with the Lac du Flambeau Band of the Lake Superior Chippewa Indians of Northern Wisconsin. Today with me is Larry Wawronowicz in the audience. He is our tribal natural resource director. We appreciate the opportunity to be here in front of you today to present some of the issues that are of great concern to the Lac du Flambeau Band.

I am sure some of the committee members heard yesterday the issues with sequestration and what it is doing to some of the tribal programs and, you know, I will not delve into that a whole lot because there are several other issues we want to touch on today.

We also oppose the Administration's proposed caps with contract support costs. You know, that would hurt some of our most vital programs in BIA and IHS. The tribe has taken great strides to provide adequate health care for our members at home, but as the subcommittee well knows, health care costs continue to rise and resources to address these costs have not kept pace. The tribe strongly supports the Administration's increases in IHS budget for fiscal year 2014. We call the subcommittee's attention to the needs that we face in areas of purchase referred care, mental health, AOD counseling and dental care. In each of these areas yearly, we run short of funds, which means critical needs for our tribal members including our young and our elders go unserved. For instance, you know, 8 months into the year we run out of these referred care costs so we are not able to allow these people to see specialized caregivers. They got to wait until that fund is replenished maybe 4 or 5 months out of the year. That is just wrong. We realize that the subcommittee has been supportive in tribal health care costs in the past and we look forward to your continued support.

Education remains a priority for the Lac du Flambeau Band. For our children to compete nationally and internationally, we need higher education to be on the forefront. Given the photovoltaics levels of the Lac du Flambeau Reservation, many of our tribal members do not have the opportunity to pursue higher education goals.

The Lac du Flambeau Band supports increased funding for the BIA scholarship program along with the Administration's newly proposed $3 million in programs for postgraduate studies. This funding is a wise investment in our future and the future of this country.

The tribe also supports the Administration's proposal to increase funding for BIA public safety and justice programs. The challenges we face in Indian Country today are astronomical. At Lac du Flambeau, we now face a new situation that has arisen over the last couple of years. This is a threat to our public safety from a wide range of legal drugs including synthetic marijuana. The rapid growth of these drugs on the reservation has led our tribal council to declare a state of emergency a few weeks ago. We are taking broad steps to address the problem in many dimensions including education, prevention and rehabilitation. A key component of this effort involves law enforcement to arrest those who bring these legal substances onto our reservation and attempt to sell them to the young children. As we face this and other challenges, an effective law enforcement presence is vitally important for the well-being and safety of our people.

In addition to serving on our tribal council, I am also the band's chief conservation officer. This work involves enforcing hunting and fishing regulations regarding the exercise of our treaty rights. This work and the work of fellow conservation officer also involves being first responders in many emergency situations. I urge the subcommittee to support increased funding for tribal conservation law enforcement programs.

Tribes have long been a leader in many instances regarding the protection of natural resources. The Lac du Flambeau Band has a comprehensive natural resource department with dedicated staff that have great expertise in natural resource and land management practices. The tribes' work in natural resources protects our 86,000 reservations for future generations while providing beneficial economic opportunities.

With that, I guess I would like to also pledge support for the funding request of the Great Lakes Fish and Wildlife Commission. I would also like to take this opportunity to include our other natural resource requests that, you know, we want to do what is best for us, and the previous gentleman's comments about, you know, trying to raise our members on natural foods, yeah, we can do that but those foods have to be clean. They have to be, you know, mercury-free and, you know, we want to do what is best for our children and our grandchildren.

With that, thank you, subcommittee.

[The statement of Tom Maulson follows:]

Testimony of Tom Maulson, President
Lac du Flambeau Band of Lake Superior Chippewa Indians
Before the House Appropriations Subcommittee on Interior and Related Agencies on FY 2014 Department of the Interior, Environmental Protection Agency and the Indian Health Service Budget
April 25, 2013

My name is Tom Maulson, I am President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin. I am pleased to submit this testimony, which reflects the needs of our Tribal members for Fiscal Year 2014. I would like to thank the Subcommittee for its leadership and commitment to Tribes and the programs that are critical to us.

Sequestration. We would first like to express our strong objection to sequestration of discretionary programs. An across the board sequester was proposed not as a sensible policy, but because it was so universally viewed as unreasonable that it was expected to spur Congress and the President to get together on the budget to make sure it never took place. Yet here we are, with a sequester in place for FY2013 – and likely to continue unless Congress and the President can agree otherwise for FY2014.

The sequester is terrible policy for the country overall, but it has a special impact on tribes. The United States has both Treaty obligations and a trust responsibility to Indian tribes. The tribes gave up the lands on which this country was built, in return for the solemn promises of the United States to protect tribal treaty rights, lands and resources and to provide various services to tribal members. The United States' promises to the tribes should be kept – and not reduced by sequestration. The indiscriminate cuts from sequestration harm tribes, as we continue our ongoing effects to promote economic growth and build a better future for our children. Tribal programs should not be subject to sequestration.

Changes Proposed Regarding Contract Support Costs – For BIA and IHS. The Lac du Flambeau Band also opposes the Administration's proposal for FY2014 regarding payment of contract support costs. Here again, this is a matter of the United States keeping its promises. When a tribe enters a contract with the United States under the Self-Determination Act, the United States promises to pay full contract support costs – various costs necessary for the tribe to successfully run the program. The courts have held that if the United States does not fulfill its promise regarding payment of contract support costs, the tribe can file a claim and recover the shortfall. But now, the Administration is proposing a new system – which would impose for the first time caps for each tribe regarding contract support costs. The whole purpose of these new tribal-specific caps is to protect the United States from having to pay full contract support costs. The effect of this provision would be to make it more difficult for tribes that enter contracts or compacts under the Self-Determination Act to succeed, and to penalize tribes that wish to enter new contracts or compacts. The Administration's proposal should be rejected. Congress should fully fund all contract support costs and resolve all prior year contract support cost claims.

INDIAN HEALTH SERVICE

Purchased/Referred Care. We want to call particular attention to the need for purchased/referred care (which was previously called contract health care) funding, which is a need that we have expressed to the Subcommittee for several years. This category of health care

funding is so important to the basic health and well-being of our communities, where a very significant portion of our health care must be referred out. Despite its importance, historically this category has been tragically underfunded – with funds running out before the year ends. We would like to express our appreciation to the Subcommittee for providing increases to contract health care funding over the past couple of years, and we strongly support the $35 million increase for purchased/referred care services proposed for the FY2014 Budget.

Mental Health. At Lac du Flambeau there is a rapidly expanding need for resources to address a range of mental health problems. Funding has simply failed to keep pace with our needs – as our mental health funding remains a very small portion of our annual health care funding. We strongly support the Administration's proposal to add $4.2 million for Mental Health.

BUREAU OF INDIAN AFFAIRS

The Tribe is disappointed that the BIA's proposed budget for FY2014 is essentially level funding for most programs. The Tribe recognizes the difficult fiscal times the Nation is in and thus, is pleased that the BIA did not propose decreases to many BIA's programs. The 2014 Budget does include an initiative called "horizontal consolidation" –a $33.5 million cut that would be imposed by reducing BIA personnel at the Headquarters, Regional and Agency offices through attrition, buyouts and other means. We are concerned that will leave the BIA inadequately staffed to meet its trust obligations of the tribes. We are seeing this with respect to BIA Natural Resource personnel – as key people leave and are not replaced, the level of services to the tribes may decline and key tasks may be delayed or omitted entirely. It is vital that BIA personnel reductions be undertaken with full tribal consultation and sensitivity to the needs of tribes and the BIA's ongoing obligations. We urge the Subcommittee to monitor these ehanges carefully.

Today we want to focus on the funding needs for the BIA Education, Public Safety and Natural Resource Programs.

Tribal Education Programs. Education is a top priority for the Tribe. We believe that it is through investment in education that we will be able to restore stability to our Nation's economy. To continue the progress Indian Country has made in participation and control of education programs and schools, it is imperative that funding for tribal higher education programs be increased. We support the Administration's proposed small increase for the BIA scholarship and adult education program, as well as the newly proposed $3.0 million for post-graduate study in science fields. This funding supports Indian students working for higher education and advanced degrees. Tribal communities have made great strides in educating their youth. Those strides are evident in the fact that more Indian students are attending and graduating from colleges and other post-secondary institutions. However, tribal communities must continue to evolve with other communities. The national and global economy has changed – students must earn college and graduate degrees to remain competitive.

Public Safety. The Tribe supports the Administration's proposal to increase funding for BIA Public Safety and Justice Programs. Among the many challenges facing law enforcement at Lac du Flambeau is an increasing threat from a range of illegal drugs – including synthetic cannabinoids and others. The rapid growth in the use of these illegal drugs has led our Tribal government recently to declare a state of emergency. We are taking broad steps to address the problem in a multi-dimensional way – including education, prevention and rehabilitation. A key

component of this effort is to prosecute those who sell these illegal drugs that are so significantly harming our young people and our communities. This is just one example of the need for an effective law enforcement presence at Lac du Flambeau.

Tribal Natural Resource Management and Development. Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, wildlife habitat protection and enhancement, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre Reservation. In addition to being important cultural and environmental resources for current and future generations, natural resources provide many Tribes and surrounding communities with commercial and economic opportunities. It is with this understanding of the importance of our natural resources, that the Tribe strongly supports the Administration's proposed increase of $2.0 million for the Tribal Natural Resource Management and Development. Specific proposed increases in Fishing, Wildlife and Parks, Endangered Species, Rights Protection and Cooperative Landscape Conservation are all very important to us. We also support the Administration's initiative to engage Indian youth in the natural sciences.

Conservation Law Enforcement Officers. One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations. These officers play an integral part in protecting our cultural and economic resources, as well as assisting with the most important role of protecting public safety. We urge the Subcommittee to support increased funding for Conservation Law Enforcement for FY2014, as an acknowledgement of the importance of Tribal conservation law enforcement officers to the federal law enforcement family.

Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program, by providing at least the $800,000 funding level proposed by the Administration. This program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat within Tribal territories. This program also gives the Great Lakes Region Tribes, States, USFWS, USDA, Ducks Unlimited and other private sector groups an opportunity to work cooperatively in projects that provide wetland protection, flood control, clean water and recreation in the Great Lakes Region. The Subcommittee's strong support of this program over two decades has resulted in tremendous successes in restoring wetlands and waterfowl habitat throughout the Mississippi Flyway.

Great Lakes Indian Fish and Wildlife Commission. Related to the Tribe's natural resource needs, we would like to voice our continuing support for the **Great Lakes Indian Fish and Wildlife Commission** ("GLIFWC"). The Tribe is a member of the Commission, which assists the Tribe in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights. We urge the Subcommittee to fully support the programmatic funding for GLIFWC in the amount of $6.367 million from BIA, plus $1.2 million from EPA to continue its vital treaty-rights protection/implementation programs. GLIFWC has played an invaluable role in providing

science and sound management practices for our off-reservation resources. This role could not be filled by any other agency.

ENVIRONMENTAL PROTECTION AGENCY

Tribal General Assistance Program. The Tribe strongly supports the proposed $5 million increase for the Tribal General Assistance Program ("Tribal GAP"). This program provides base environmental funding to assist Tribes in the building of their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet their needs. This funding is critical for Tribes in the Great Lakes as our region begins to examine resource extraction issues, in particular mining. While we understand the need for job creation, we believe any action must be done in a way that does not destroy our natural resources, which are the basic foundation of our way of life and economies today.

Great Lakes National Program Office. We continue to support the Great Lakes Restoration Initiative ("GLRI") and in particular, the funding set-aside for tribes. The Great Lakes represent three quarters of the world's supply of fresh water. But for us, the indigenous people of Wisconsin, the Great Lakes represent the life blood of our economies and our culture. The protection and preservation of the Great Lakes is necessary to the protection and preservation of the tribal communities that have made the Great Lakes their home since time immemorial.

Clean Water Program. The Clean Water Program provides grants to tribes under Section 106 of the Clean Water Act to protect water quality and aquatic ecosystems, and the Tribe supports the proposed $20.3 million increase in section 106 grants. The Lac du Flambeau Clean Water program monitors, maintains and improves water quality for the tremendous amount of surface and ground water within the exterior boundaries of our Reservation. There are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands within the Reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. Funding to maintain clean waters on our Reservation has already decreased below the minimum required to maintain our program. We ask the Subcommittee to protect funding for this program.

Air Quality. In Wisconsin, a major recent change in state law creates the likelihood of a new, large-scale iron-mining, which would have extensive environmental impacts on both the Reservation and the Tribe's ceded territory, where we have Treaty-protected hunting, fishing and gathering rights. To protect our lands and Treaty rights from pollution associated with new iron mining, we will need baseline air quality data which demonstrates the conditions we are seeking to protect. We urge the Subcommittee to support increased funding for Tribal air quality monitoring activities and associated staffing.

Brownfields. The 2002 Brownfield Bill authorizes $50 million for State and Tribal Response Programs. Appropriations have been slightly less than the authorized $50 million. The 2002 authorization expired in 2006. Like many programs, expired authorizations have continued to be allocated. Both States and Tribes are competing for the same pool of money. Every year more tribes apply for funding. There is a critical base needed just to operate a program. Both the needs of a state cleanup program and the needs of new tribal cleanup programs cannot be met by the authorized $50 million or the allocated amounts.

Mr. SIMPSON. Thank you.
Jimmie.

THURSDAY, APRIL 25, 2013.

NATURAL RESOURCES DEPARTMENT, LITTLE RIVER BAND OF OTTAWA INDIANS

WITNESS

JIMMIE MITCHELL

Mr. MITCHELL. Mr. Chairman, Committee members, first of all, I want to thank you for this opportunity because it is an opportunity, and I am not going to read from my testimony today. I am going to try to—you already have that and you will be able to read that.

As explained, a lot of us who work in tribal communities wear a lot of different hats, and I certainly wear a lot of different hats, and if you over my bio, you will see that. And one of the hats that I wear is working on the tribal Interior budget committee and the creation of the budget, and creating a budget that is reflective of the tribe's needs.

And so when I speak before you today, I think I am preaching to the choir because I think—well, I do not think, I know you guys get it. I know you hear the words that are shared at this table. I know the tears that are laid before you, people's hearts, people's brains and the impacts in tribal communities, and to try to explain it better than everybody else has, I certainly would fail in that endeavor.

I think beyond the concerns that we have with our budgets right now is understanding how the money works and how the revenue flows in and out of the budgets, and the real solution to the problems is not to continue to come to this Committee and ask you not to cut the budgets because you are not cutting the budgets. We look at last year's budget that came through in fine fashion. We were very, very pleased at what we saw and we were very honored that it went through that process, but beyond that, it kind of—we do not know what happens to it, and there is a lot of finger pointing. People are saying, well, it is OMB. No, it is not. It is somebody else. And so we spend a lot of time trying to figure out well, who is that, somebody else, because nobody ever really wants to come forward and say well, we are the ones that changed that budget and this is why, and so we spend a lot of time and effort trying to understand that.

So thinking outside of that box and understanding again how that money operates and understanding what it is based upon, which was really concessions made with all the tribes to live together, to have our sovereign nations operate side by side in what we believe was really probably one of the most beneficial opportunities we had at the time other than just going to war and see who won. Those concessions are still real and they are still valid to this day, and that is why we sit here today and we come here to try to help convey the needs that we have, but beyond that, to understand that there are still new concessions I believe that need to be

made. I mean, I know this Committee is, for instance, looking at the Keystone pipeline, and we all look at it in tribal communities with different lenses. We look at it. Some are really afraid of it, others maybe not as afraid. But in understanding the budget and how Indian Country operates and money, the pot of money that we have right now dwindling, it seems. It is kind of vanishing before our eyes and there is not a lot we can do to look at that.

I would really like to look outside of the box again and try to find a way to develop tariffs on these new things that will help come back into Indian Country to help us because I do not think anybody at this table has to understand the woeful conditions that we are being subjected to, and beyond that looking at future monies not being available, looking at the level and unfortunately gross number of our children who are committing suicide. Why is that? Why does that still occur? That is a big, heavy concession that we have to deal with every day, and a lot of that is because of what has happened to us. We look at all the pictures on the wall of Indians in these halls and we think wow, that is beautiful, look at that time. But what happened from then until now? Where are those pictures? We try to share some of those pictures but it is difficult and it is maybe even a little insensitive to have to keep dredging it up or have people come here and you have to explain it. Rather than do that, let's find a new way, a new creative way to help infuse our budgets with new monies, new monies that are still the resources of this land, our shared lands. They are going to make impacts on us. They are going to create detriments in certain communities and certain resources, and so let's, again, think outside of the box. Let's get smarter than the problem.

I do not think I need to say more than that other than I would really like to be a part of this record, that the tribes, the communities, we need to find a better way of doing business, and if this is the way to do it, I cannot speak for everybody but I know that the folks that I represent back home are certainly in agreement with that. Thank you.

[The statement of Jimmie Mitchell follows:]

TESTIMONY OF JIMMIE MITCHELL
BEFORE THE
APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT and RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES
ON
APRIL 25, 2013

Mr. Chairman and Members of the Subcommittee:

My name is Jimmie Mitchell.

It is an honor to address you today as the duly authorized spokesperson for the Chippewa Ottawa Resource Authority (CORA). CORA an inter-tribal resource management organization established by five federally recognized Indian tribes: the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians.

I have served on the CORA Board for the past ten years, actively participating in treaty and natural resources issues. During that time, the CORA tribes have overcome immense challenges -- in some cases to their very existence as tribes -- to establish their treaty hunting, fishing and gathering rights, rights that are fundamental to who we are as Indian people today and to our children in generations to come.

Each of the CORA tribes is a successor to signatories to the Treaty of March 28, 1836, with the Ottawa and Chippewa. In that treaty our ancestors stipulated for usufructuary rights on ceded lands and waters in the northern Lower Peninsula and eastern Upper Peninsula of Michigan, and in large portions of Lakes Michigan, Huron and Superior. These rights preserve our access to culturally significant resources that are intimately connected to our traditional life ways.

Our treaty rights were affirmed in landmark, hard-fought litigation initiated by the United States in 1973, known as United States v. Michigan. In 2000 the Court entered a Consent Decree that we had negotiated with the United States and the State of Michigan to provide for the allocation and management of the Great Lakes fisheries in the treaty area for a period of 20 years. And, in 2007, the Court entered another Consent Decree that we had negotiated with the United States and the State of Michigan to affirm our inland treaty rights and to provide for the allocation and management of inland natural resources in the treaty area in perpetuity.

Under the Consent Decrees, the CORA Tribes have substantial

obligations to conduct scientific research, to preserve and enhance fish, wildlife and plants, to adopt and revise sound resource management plans, and to promulgate and enforce regulations for our members' exercise of our treaty rights. Our ability to fulfill these obligations -- which is essential to give practical effect to our treaty rights and to preserve the natural resources on which those rights depend -- is heavily dependent on the continued Trust Responsibility of the federal government.

In particular, the CORA Tribes are heavily dependent on federal Rights Protection Implementation (RPI) funds for successful operation of our natural resource programs. Without the successful operation of those programs, our treaty rights would exist on paper only.

In this era of sequestration, reduced revenues and grave financial challenges, CORA wishes to express its sincerest gratitude to this Committee for continuing to acknowledge the importance of RPI funding, not only to Tribal Nations and our future generations, but also to the creation of a sustainable and robust ecosystem to be shared and enjoyed by all.

We also wish to respectfully request that, for the first time, RPI funding be provided to assist us in carrying out our obligations under the 2007 Inland Consent Decree. These obligations include regulation of tribal member hunting, fishing and gathering activities, as well as co-management responsibilities for restoration, reclamation and enhancement of natural resources, throughout the inland portion of the 1836 Ceded Territory, which covers approximately 14 million acres. Despite the importance and breadth of these obligations, we have not yet received any RPI funding to help meet them.

We do want to express our gratitude to the Administration for including RPI funds to implement the 2007 Inland Consent Decree in the President's 2013 budget, and again in the President's 2014 budget. Unfortunately, we did not receive any Inland Consent Decree funds this year because of the adoption of a Continuing Resolution that maintained funding at FY 2012 levels, which did not yet include Inland RPI funding. It is critically important that these funds are provided in 2014, so that we can fulfill our obligations under the 2007 Consent Decree and implement our hard-won treaty rights. We cannot otherwise ensure that precious natural resources will be protected and that our members will be able to exercise their treaty rights and preserve our way of life.

For these reasons, the CORA Board respectfully requests your support for FY 2014 RPI funding for the CORA tribes at a level of $4, 409,294.00 in recurring base funding, as outlined in the RPI portion of the Department of the Interior's Green Book for FY 2014.

Thank you very much for your consideration. I would be pleased to answer any questions you may have.

Mr. SIMPSON. Thank you, and thank all of you for your testimony. You are certainly right: we do have to start thinking out of the box, a much overused term, about how to solve some of the problems, and that is essentially what I got is that you guys do that a lot at the Bush Foundation and stuff, and one of the areas that we have been kind of concentrating on was mentioned by Eric, and that is education, and we have kind of overlooked Native American education in this country, and frankly, I have been to some places where it is done pretty well and other places where it is not done very well at all, and we have to start looking at how can we improve the system, and I do not have the answer or I would be a genius, but we need your help and input in trying to reform the education system so that Indian children can get the education they deserve in this country, and we want to work with you to do that. So I appreciate all of your testimony. Jim.

Mr. MORAN. Mr. Chairman, I cannot improve on what you said. I agree with you.

Mr. SIMPSON. Betty.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I just want to—when you talk about conservation, it interfaces with a lot of our other world that is outside of the Bureau of Indian Affairs, and one of the things, and I know I have had conversations with some of you as to what do we do about invasive species. We are all concerned about Asian carp in the Great Lakes and our rivers and Lord save us if it gets into Lacs, which the walleye fishery is co-managed by capable DNR from the Lacs as well as Minnesota State DNR, and that was a treaty right battle that it was my honor to be with the Mille Lacs Band when we went through those struggles in Minnesota.

Having said that, I did an invasive species roundtable with the U.S. Park Service, U.S. Fish and Wildlife, USGS, and I invited the tribal leadership representation to come in, and everybody is looking at cuts with sequestration and that, but I think it really opened up the eyes to some of the other federal partners around the table just how little resource is available for the conservation officers in Indian Country as you are struggling with water problems, whether it is land and water you have to patrol, with bad actors coming in, homeland security issues and all that for those of us on the northern tier. So whether it is the circle of light, the Great Lakes, it is all interconnected for you and maybe you could talk about how cutting one program decimates what you are doing in the other program, how the dollars are going together.

Mr. Chairman, let me further say that I just think what the Bush Foundation and other foundations are doing is so empowering. When I was on the city council, I had the League of Minnesota Cities. When I was a state representative, we had the state legislature group. The counties can get together and talk about best practices and talk about ways in which to formulate themselves, city managers, city administrators and all that and the cookie cutter approach that had been out in Indian Country so long there had been a subjective "here is what we think is a good idea," you better do it. The chance to get people to really develop and put the needs of their community first I think is really great, and I

know it is making a difference in Minnesota. So thank you for your testimony.

But if you gentlemen could maybe talk about how the sequester is impacting natural resources because it interconnects with all the other agencies we are funding here too.

Mr. ZORN. It does, and you mentioned invasive species. Let's take that as an example. You know, you have it from the very kind of high level of the Asian carp where you have this ecological separation down in the Chicago River to very on-the-ground things that affect everyday people who are really innocents in a way of transporting invasive species. Somebody takes their boat from one lake to the other, you do not have somebody on the ground who is able to say hey, wait a minute, you have weeds hanging from there. You do not have the ability to wash off those boats and do that. You used Lake Mille Lacs for an example. The walleye population there is down this year, and biologists are trying to figure it out. For the last 3 or 4 years, you have detected zebra mussels, you know, the graph on this, and I do not know if it is the right word but you kind of see zebra mussels, zebra mussels and then all of a sudden they just go off the chart. You see water clarity improving, you see those zebra mussels on the reefs where the walleye spawn. You have this interaction, and once they are there, you do not get them out. And you have these new modern boats, these jet boats that do not have propellers, you never get the water out of that ballast. They are always transporting around either, you know, critters or plants or things that help them grow.

And so we are really wrestling with the idea, you know, you think of enforcement, about enforcing fish and game laws, you know, busting the bad guys. It is really that idea of, if we could have people to help say hey, wait a minute, where did that boat come from, you know, let's make sure it is clean before you go from one lake to the other, those are some of the impacts that we are seeing on the ground.

We cannot—the 2010 money that this Committee so graciously provided to us, we cannot get the full benefit of the opportunities that we wanted to do with that because of sequestration. We are almost back to where we were before then, and I could not expand my programs the way I needed to to help address those types of issues.

Mr. SIMPSON. Thank you, and thank you all for your testimony. I appreciate it very much.

It is my pleasure to invite Congressman Rick Nolan representing Minnesota's 8th District to the table to introduce the Minnesota witnesses, and the witnesses are Carri Jones, Gregg Shutiva and Bruce Tafoya. Even though we have a couple of New Mexico witnesses here at this time, we have a representative that is going to introduce the Minnesota witness.

Mr. NOLAN. Mr. Chairman, members of the Committee, I want to thank you, and I will try to be brief so that we can hear from Carri, and I do not mean "brief" in our good friend Joe Biden's sense.

First of all, I want to thank the Committee here for hearing us. Education, I do not need to tell any of you, is so important, and

I know the difficulty that you are encountering with our priorities here.

I have 13 grandchildren, and I have an opportunity to travel around to all the junior highs and grade schools and high schools through Minnesota watching the kids play baseball and basketball and football and golf and all the rest, and we are so very proud of those schools. They are functional, they are frugal but they are architecturally distinctive and they carry with them a sense of importance that we attach to our education. You can see by entering them that they have a sense of enduring importance that impresses children when they go into those schools.

I have also had the fortune, the good fortune to see the Bug O Nay Ge Shig School, what we commonly know as the Bug School up in the Leech Lake Band, and clearly it is neither healthy nor safe for children to be in that school, let alone convey to the children there the importance that we attach to their education. And forgive me for reminding the Committee but the Leech Lake Band entered into a treaty with the United States of America back in 1855 where they conceded great tracts of land to the government of the United States in return for their establishment of their reservation and their status as a sovereign nation. As a part of that agreement, certain annuities and foodstuffs were promised, and they were not delivered, and 400 men, women and children starved to death that winter, a great tragedy in the history of the Leech Lake Band and the State of Minnesota.

So here we are, you know, some 150 years later, and I submit that the potential for a disaster and a loss of life exists at the Bug School. You know, we can all carry function and frugality to an extreme. I also had the good fortune to travel throughout the Soviet Union where that became the dominant priority, and we could have this capital in a pole building, we could educate our children in pole buildings. We used pole buildings in our sawmill and our Pella factory back home. But we need something better, and Carri can tell you in more detail about all the unsafe and unhealthy aspects of the Bug School, but as a practical matter, it is a pole building and it is neither safe nor healthy for the children to be there, and it represents a threat to their lives and it is a betrayal of our responsibility to those people and to those children in particular.

So we are very excited about the new chairman of our reservation business committee, and we are so delighted to be able to have her here and we are grateful to you for taking the time to hear from our chairman, and I would be remiss if I did not also take a moment to thank Congressman Betty McCollum from Minnesota, who has been a champion for Native American people and the Leech Lake Band in particular, and especially the Bug School, so we thank you, Congressman McCollum.

So without any further ado, I would like to introduce the chairman—she allows me to call her Chief Carri—but chairman of our reservation business committee up there, Ms. Carri Jones.

Mr. SIMPSON. Thank you, Congressman. Ms. Jones.

THURSDAY, APRIL 25, 2013.

LEECH LAKE BAND OF OJIBWE

WITNESS

CARRI JONES

Ms. JONES. Good morning, and thank you, Chairman Simpson, Ranking Member Moran and Representative McCollum for letting me testify today. My name is Carri Jones. I am the Chairwoman of the Leech Lake Band of Ojibwe. I am accompanied here by my council member, Steve White. As you guys are all aware, our reservation is located in northern Minnesota.

Today my testimony is to focus on the high school of our Bug O Nay Ge Shig School. The school is administered and funded by the BIA. The Leech Lake Reservation, we look at an estimate of $30 million to replace our Bug O Nay Ge Shig School.

As Congressman Nolan has mentioned, the Leech Lake Reservation was established through treaties and presidential orders. The band gave up millions of acres of homeland. In return, the United States promised to provide the band the welfare including our kids with decent and safe schools. In addition, Congress passed the Nelson Act of 1889, a federal land allotment law specific to Minnesota, and other federal laws to take more of our land. Logging companies wanted our valuable white pine and homesteaders wanted our land for farming. In return, the United States promised proceeds from the land and timber sales were supposed to be used for our schools. Sadly, these promises have not been kept.

The Bug O Nay Ge Shig School services over 300 Indian students from grades K–12. In certain instances, our students drive 2 hours one way and 2 hours home. Despite the challenging conditions, the school has won many academic awards, especially in our Native language program, which is the Niigaane program that has gotten national recognition.

One of the things today we provided was a collage of certain pictures of our school. As you are aware, the school is housed in a temporary pole barn, which it was back in the 1970s when it first started. It was a temporary housing unit but as of today we are still in the same facility. The facility has severe mechanical deficiencies and lacks proper insulation. As of today, it does not meet the fire safety and security standards.

Looking at one of the pictures of the computer labs, we try to provide computers to all of our students because of the state testing that takes place there, but as you can see, the wires are coming out. It causes electrical hazards so it is unsafe for our children to be in that area. Another area that we are looking at that jeopardizes our kids is the default HVAC system, which causes mold and fungus and poor indoor air quality.

The other room that we are looking at is our science room, which conceals metal plates on the floor. Underneath the plates is the bare ground. This way the students cannot—the desks are not nailed down, so our students are not capable of doing any of the labs. With this one, they have to do a lot of labs at the tables, which we know is not sufficient. It does not have any of the things. It cannot do any of the—what is it—hook up any of the gas stuff

there. So our students are not capable of producing any lab projects in their system there.

The other part that we want to mention is the ceiling tiles there. We have to replace our ceiling tiles at least twice a year because of the smell that comes in, the rain, that it causes the moisture up there, which causes the ceiling tiles to sag and eventually fall if we do not replace them. So it has caused a huge expense. Right now we are looking at that no repairs and maintenance can keep putting a band-aid over our facility that the school is looking at to be replaced.

The BIA's fiscal year 2014 budget proposes to eliminate funding for the schools, which is unacceptable, instead of using improvements and repairs. The change in the BIA schools construction policy, that is, to eliminate funding to replace facilities instead of focusing on improvements and repairs, was taken out without any tribal consultation. BIA should not be allowed to make these decisions without first consulting with tribal leaders.

With that being said, I respectfully request the Committee's assistance in replacing our high school facility. Our students deserve to attend a school where they can focus on learning instead of their health and their safety. And I just want to thank each and every one of you today. Thank you.

[The statement of Carri Jones follows:]

Testimony of Carri Jones, Chairwoman, Leech Lake Band of Ojibwe
House Interior Appropriations Subcommittee
April 25, 2013

My name is Carri Jones, and I am the Chairwoman of the Leech Lake Band of Ojibwe (Band). Our Band is located on the Leech Lake Reservation in northern Minnesota. I want to thank Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee for holding this *American Indian and Alaskan Native Public and Outside Witness* hearing to examine the critical funding needs of Indian country. I would like to especially thank Representative McCollum for her tireless efforts to assist the Band in addressing our priorities. We are deeply grateful for her support.

My testimony is focused on the Band's long struggle to replace the Bug O Nay Ge Shig School High School (High School) facility, which is administered and funded by the Bureau of Indian Affairs' (BIA) Bureau of Indian Education (BIE).

U.S Responsibility to Provide for the Education of American Indian Students
Before discussing the specific needs of the High School, I want to touch on the history of Indian education in the United States. Several federal laws, treaties, and policies acknowledge the federal government's obligation to provide for the education of American Indian children. The Band's Reservation was established through a series of treaties with the U.S. and presidential executive orders. *See* Treaties of February 22, 1855 (10 Stat. 1165) and March 19, 1867 (Article I, 16 Stat. 719); Executive Orders of October 29, 1873; November 4, 1873; and May 26, 1874.

Through these treaties and executive orders, our ancestors ceded to the United States significant tracts of our homelands. In return, the U.S. promised to provide for school buildings, teachers, and the education of our youth. Hundreds of thousands of additional acres of our homelands were taken from us pursuant to the land allotment mandates of the federal Nelson Act in 1889, which is the Minnesota version of the General Allotment Act. As with the various treaty promises made to our people, one focus of the Nelson Act was to dedicate funds generated from these lands for "the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit." These treaty promises have no expiration dates and remain the law of the land. Sadly, these promises have not been kept.

Dire Need to Replace High School Facility at Bug O Nay Ge Shig School
The Bug O Nay Ge Shig School (School) is located in Bena, Minnesota, operated by the Band and governed by its School Board. It is named in honor of Bug-O-Nay-Ge-Shig (Hole in the Day), an Ojibwe man who lived in the area at the turn of the century. He is revered for his commitment to fight for our land, our people, and for our children. The School serves nearly 300 Indian children in grades K-12. Some of the kids ride school buses for 2 hours one-way everyday to attend school. Founded in 1975, the School started modestly with 35 Ojibwe students from the Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of our students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural components. The existing enrollment is a testament to the passion of the students, parents and teachers who are committed to strong academic achievement despite the significant deficiencies

and health and safety hazards present at our High School.

The High School is in dire need of replacement. Unlike other schools in the BIE inventory, the High School facility was not originally built for use as academic space. It is a metal-clad pole barn originally built to house an auto mechanic school and bus garage. When the building was transformed into the High School, the intention was that it would only be a temporary space. However, generations of students have attended school in this makeshift building. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet basic safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations. The police and emergency responders have dubbed the high school building as "Killer Hall" because an emergency would likely have tragic results. In addition, in high wind situations over 40 mph, the students must evacuate outside into the winds because of the structural flaws with the flat metal building.

The High School facility presents a continuing threat to the health and safety of our students and faculty due to poor indoor air quality that contains mold, fungus, and a faulty HVAC system. The facility also suffers from rodent and bat infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, exposed wiring, poor lighting, sewer problems, lack of handicap access, and lack of classroom and other space. These are just a few of the facility's numerous deficiencies. Due to the unsafe surroundings, many students have withdrawn from our High School and have transferred to public high school. Students report being embarrassed about the condition of the High School, which results in a negative image of the School and a lower matriculation rate. Despite these challenging conditions, the students perform well. For example, the School has won many awards for its language immersion program and our students are successful compared to their performance at other area schools.

BIA Acknowledges that the High School is in Urgent Need of Replacement
The High School is on the BIA's list of schools in need of replacement. The BIA also categorizes the high school facility as being in "poor" condition. In 2007, the BIA Midwest Regional Office for the Office of Indian Education Programs issued a report expressing strong concerns about the electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental, Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

In a February 28, 2011, letter responding to Ranking Member Moran's inquiry about the High School, former Interior Assistant Secretary for Indian Affairs Larry EchoHawk stated:

> The Bug O Nay Ge Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug O Nay Ge Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. **Preliminary evaluations indicate that the building should be replaced** (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction

appropriations.

The High School is among the more than 63 schools funded by the BIE that are in poor condition. There exists a more than $1.3 billion BIE construction backlog. However, the BIA's FY14 budget request proposes to eliminate funding for replacing BIE school facilities and focuses instead on facilities improvement and repair. This is unacceptable. The High School is in such sub-standard condition that no amount of repairs or improvements will turn it into an adequate school facility. The High School is beyond band-aid repairs.

Working collaboratively with our community and with architects, we have developed construction and design plans for a new High School that will serve as a local anchor for cultural, environmental and economic sustainability. To meet these objectives, we must first provide our children with a learning environment conducive to academic achievement. We are ready to move forward but we need the Subcommittee's help. The BIA estimates that the cost to replace the High School facility is approximately $25 million, which includes a 42% BIA administrative cost of $7.4 million. We are well aware of the difficult funding decisions that this Subcommittee faces. However, the long overdue replacement of this dangerous building is a small price to pay given the great sacrifices made by the Leech Lake people to help shape this Nation.

Federal Laws and Policies Support Addressing the BIE Construction Backlog

The solemn commitment to improve the educational opportunities of Indian children is embodied in a number of federal laws, regulations, policies, and executive orders. A core aspect of implementing these directives is the requirement that the federal agencies consult with Indian country pursuant to Executive Order 13175. For example, section 7101 of Title VII of the No Child Left Behind Act (NCLB) states:

> It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. **The Federal Government will continue to work with . . . Indian tribes** (emphasis added) . . . toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

On December 5, 2011, President Obama signed Executive Order 13592, "Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities", which established the White House Initiative on American Indian and Alaska Native Education" to help improve educational opportunities of Indian children. On December 3, 2012, the Departments of Interior and Education entered into a MOU to implement the Executive Order, which allows both Departments to work together to coordinate "expertise, resources, and facilities" and requires the Departments to consult regularly. In accordance with these legal and policy obligations, the United States must work with us to seek a solution to ensure that our children go to school in adequate facilities.

Unfortunately, the BIA's FY14 budget request does not align with its legal and policy obligations. By eliminating funding to replace school facilities to instead focus solely on facilities repair and improvement, we believe the Administration has changed its policies

altogether. In effect, the Administration's actions operate as a moratorium on BIE school construction. We are alarmed by the Administration's policy shift and we are concerned that the Office of Management and Budget (OMB), who appears to be dictating this approach, has a clandestine long-term goal to terminate BIE schools despite its trust responsibilities. The Administration has not consulted with Indian country on this proposed policy change in direct violation of its own policy requiring government-to-government consultation.

In the past decade, funding for school construction has dramatically decreased. For example, the President's FY14 budget request solely for school improvement and repair is $52.3 million, which is a proposed cut of $18.5 million from the FY12 enacted level and a cut of $88 million from the FY11 actual level – both of which had included proposed funding for school and facility replacement in addition to sehool improvement and repair. The FY05 enacted level for Indian school construction was $263.3 million, the FY06 enacted level was $208.9 million, the FY07 level was $204.9 million, the FY08 level was $142.9 million, the FY09 level was $128.8 million, the FY10 level was $113 million, the FY11 level was $140.509 million, the FY12 level was $70.826, and, as noted above, the proposed level for FY14 is a dismal $52.3 million, which is limited to school improvement and repair.

The Administration's failure to request and Congress' failure to appropriate sufficient funding for BIE school construction is unconscionable. Recent DOI Office of Inspector General reports find "severe deficiencies" at BIE schools that "have the potential to **seriously injure or kill students and faculty** and require immediate attention to mitigate the problems." Department of the Interior Office of Inspector General Flash Report, *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, C-IN-BIA-0008-2007 (May 2007) (emphasis added). In addition, in December of 2012, Assistant Secretary Washburn sent to Congress a 2011 report titled, *Report of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee*, (Committee) which makes recommendations for "improving the process for prioritizing the repair and replacement of school facilities maintained" by the BIA. The Department of the Interior established the Committee pursuant to the requirements of the NCLB. Included in the Committee's recommendations for the BIA to consider is a funding request to bring "all Bureau-funded schools into acceptable condition." Further, the Committee finds that 1/3 of the 183 BIE schools are in poor condition and in significant need of repair or replacement. Of the 4,495 education buildings in the BIA inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIA education buildings are 60 years old, while the industry standard for public schools is 40 years. Despite these shortcomings, the BIA's FY14 budget request fails to meet its treaty and trust obligations to tribes and ignores Indian country's request and its own Committee's recommendation for school construction funding.

Conclusion

Our students deserve the opportunity to attend school in an environment where they can focus on learning first, and not on their health or safety. We urge the Subcommittee to work with DOI and the Band to develop a plan of action to quickly identify the funding to address the construction needs at the High School. Thank you for your time and consideration of our request for funding to replace the High School at the Bug O Nay Ge Shig School.

Mr. SIMPSON. Thank you. We have heard some testimony about the school before, and I agree that the Administration's request essentially eliminating school construction funding is unacceptable and has been this to this Committee. In fact, last year we funded it a certain level, but when it got to conference in the Senate—actually it did not go to conference. When the C.R. went over there, they took the money out for school construction, which is totally unacceptable. I have been to some reservations in South Dakota and other places I am sure that I have not been yet where there are schools where, frankly, I would not send my kid to them. So we have to do something about it, and that is why I say Indian education is one of the real things we are going to try to focus on. We have been kind of focusing on Indian health care and trying to get contract support costs up to where they ought to be and so forth, but we have to focus more on Indian education.

Betty, I call on you now because I am going to let the witness and the Congressman go here in just a second and then we will get to New Mexico.

Ms. MCCOLLUM. If you are in a pole barn, you are roasting, not freezing and roasting as you are in Minnesota.

This was going to be one of my earmarks before they went away, and anybody who says that legislative-directed funding, earmarks cannot serve a greater good for a community, to see what we could have done for the future for these children and this community.

Let me just close with this. I had an opportunity to have a couple of the high school students do a cable show with me, and everyone was kind of nervous about how it was going to go. They took it over. They did a great job. They know that they have a terrible learning environment yet they are determined to learn, and the one thing about—I really am going to close with this. The last time I was up there, they had the elders, grandparents with the younger students doing cooking and language and everything else. It is a community school, and it has the capability, I believe, of being one of the best schools in the country because of the commitment that you and the community have towards it.

So Mr. Chairman, I know you are going to do your best and I will be right there behind you the whole way.

Mr. SIMPSON. Thank you. Thank you, Carri, and thank you, Congressman.

Mr. NOLAN. Mr. Chairman, real quickly, could I have consent to have my formal remarks made part of the record?

Mr. SIMPSON. Your full remarks will be included in the record.

[The statement of Rick Nolan follows:]

RICHARD M. NOLAN
8TH DISTRICT, MINNESOTA

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AVIATION
HIGHWAYS & TRANSIT
WATER RESOURCES AND ENVIRONMENT
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April 19, 2013

The Honorable Mike Simpson
Chairman
House Appropriations Subcommittee
on the Interior
H-397 US Capitol Building
Washington, DC 20515

The Honorable Jim Moran
Ranking Member
House Appropriations Subcommittee
on the Interior
1016 Longworth HOB
Washington, DC 20515

Re: Bureau of Indian Education Funding
Bug O Nay Ge Shig School,
Leech Lake Band of Ojibwe
Bena, Minnesota

Dear Chairman Simpson and Ranking Member Moran:

Thank you both for giving me an opportunity to add my support for funding a new Bug O Nay Ge Shig School, in Bena, Minnesota. I am new to this effort and in reviewing the files, it is clear that you are both sympathetic to the plight of this school. Special thanks as well to Representative Betty McCollum, who has clearly championed the cause of this school for many years.

I think it is clear by now that this school must be replaced as soon as possible. I don't have to tell you it is the legal and moral obligation of the United States government to live up to our commitments to provide adequate funding to maintain the Bureau of Indian Education schools in this nation. You know this, and I know this, and certainly the Leech Lake Band of Ojibwe know this as well. But apparently the President's Office of Management and Budget have chosen to ignore this, or are attempting to avoid the full cost of honoring this commitment during these lean budget years.

We all need to make sacrifices. But let me explain what I saw when I recently toured this school facility.

Normally metal pole barns are constructed in the Upper Midwest as sheds to house machinery and equipment, or to shelter livestock. The walls are supported by wooden poles that are specially treated, similar to telephone poles you would see along the highway. A wood frame is constructed supported by these poles, and sheets of aluminum are attached to the frame. Such "buildings" are relatively cheap and easy to install, and are regarded as temporary.

What I saw at the "Bug School" was a valiant effort to improve upon the basic temporary structure. Walls have been insulated, electricity has been added, occasional windows have been put in, cement floors have been added and in some cases carpeting has been laid over the concrete. As similar temporary structures were added on, heating and air conditioning duct work was installed. Anyone knows that to get proper and efficient circulation, such duct work must be planned and laid out in advance.

As a result, air flow is not proper. It was winter time, but in some locations you could see the signs of mildew that accumulates in the summer months and lingers on in the winter despite the best efforts to clean and maintain. It is too hot in some places and too cold in others. The airflow was too strong in some locations and close and stuffy in others.

As with other temporary structures, the floor and walls will pitch and fall with the annual winter frost, so the floors and walls are uneven now, with cracks appearing regularly, and patches are put on the patches. Wood poles buried in the ground will eventually deteriorate. Wood frames now carrying twice the weight they were originally designed for, now sag under the burden.

This school is within an hour of the remote wilderness of the Canadian border. It is not uncommon for blizzards with heavy snow and brutally cold high winds to bring this area into arctic conditions for a good share of the school year. The students, teachers and administrators must go outdoors, from one building to another, throughout the day. This can be neither healthy nor safe for these

children and dedicated public servants. The pole barn struggles to hold up against the winter onslaught outdoors, and the constant indoor traffic of 300 children plus faculty and staff.

In reviewing the files, I can see that countless officials have repeatedly labeled the condition of this school building as "poor" and in need of replacement, and yet it seems OMB is content to "go cheap" and put more patches on the patches. Who will be blamed when a roof collapses, a fire explodes, or a disease of some kind has an outbreak? I can hear the press release now starting with "it is unfortunate that, etc..."

But ultimately, this is more than just bricks and mortar. This is "an Indian school." This is where the boys and girls discover their identity and are able to preserve their cultural heritage, customs and language. You all remember the pride you had in your own high school. Can you understand the message these children are receiving when they see their school is similar to livestock shelters and machinery sheds, compared to other "white" schools in their part of the state? When school teachers and administrators are trying hard to break through the cycle of poverty, alcoholism and neglect these children endure at home, can you understand how much more difficult is their task, when we neglect such a basic requirement as a decent school building?

What does this say about us as a nation? Where are our priorities?

The US government has responsibility for the construction of two types of schools: schools for the Department of Defense and schools for the Bureau of Indian Affairs. As you know, DoD school construction approaches $3.0 billion annually, and will bring all schools to a "good" or "fair" rating by 2018. Meanwhile, BIA school replacement funds are eliminated. Total BIA school funding has declined dramatically in recent years from $265 million in FY 2005, to only $52 million requested for FY 2014. Certainly children of our military and Defense personnel deserve the best quality schools. Do the children of our Native American families, to whom we have a legal and moral obligation, deserve any less?

Mr. Chairman and Members of the Subcommittee, I urge you to make a major effort to substantially increase funding for Bureau of Indian Education schools in FY 2014 and to include in your appropriations bill the following language as it relates to this program: "...construction of replacement facilities for schools housed in buildings not originally intended as academic facilities but were temporary in nature, such as schools housed in metal pole barns, should receive priority consideration..."

Thank you for your support.

Sincerely,

Richard M. Nolan
U.S. Representative
Minnesota 8th Congressional District

Mr. NOLAN. Thank you, Mr. Chairman.
Mr. SIMPSON. You bet. Thank you.
Now, Governor Shutiva.

THURSDAY, APRIL 25, 2013.

PUEBLO OF ACOMA

WITNESS

GREGG SHUTIVA

Mr. SHUTIVA. Thank you, Chairman Simpson and other members of the subcommittee for this opportunity to testify.

First of all, greetings from Acoma Pueblo. I am here representing my tribal administration, my tribal council and especially my tribal community.

As this Committee understands, the relationship between the United States and the Indian tribes is very unique because over the course of history there has arisen a trust responsibility. The United States is to support Indian tribes in our efforts to develop and maintaining thriving, healthy communities. Regrettably, that responsibility has not been fully met although I would like to thank this subcommittee for frequently proposed increased funding levels for federal Indian programs. It is very important. I ask the subcommittee to consider what it would take to fully meet that responsibility and to stand strong in defense of America's first commitment, which is to the Native peoples.

Tribes are not like other groups within American society. As the Congressman mentioned earlier, we are sovereign governments and have a government-to-government relationship with the United States of America. As the Acoma Pueblo governor, I carry a cane from Abraham Lincoln, which was specifically presented to the 19 Pueblo governors 150 years ago taking our sovereign authority over our lands and our people. This cane is a symbol for our status and of the commitment of the United States to protect and respect our sovereign rights as well as support the well-being of our communities. That commitment is also embodied in the federal budget.

I would like to emphasize several points. First, BIA funding has declined as a percentage of the overall federal budget since 1995 by 35 percent. In years of plenty, we received smaller increases. Now we must bear the full burden of sequestration, not only 5 percent, but because of the time of the year that we received the sequestration, we are facing more like a 9 or 10 percent effect.

Second, we need support to address crumbling infrastructure and build critical new infrastructure. My community is bisected by a major transcontinental rail line. With over 80 to 100 large trains passing through the reservation every day, we have no bridge over the tracks. Acoma has experienced significant safety issues as the hospital is on the north side of the tracks while the school, the Head Start, the government and Acoma housing areas are on the south side. Acoma needs this bridge over the tracks.

Third, the smaller IHS hospitals are a front line of health care in industry and need support. Acoma's health facility provides critical health care services not only to my community but neighboring

communities such as the Pueblo of Laguna. However, the quality and quantity of services offered has declined markedly in recent years, resulting in an adverse effect on health status of the two pueblos, which already suffer from high rates of diabetes and other serious medical conditions, more recently, a rise in lung cancer due to uranium mining efforts within our areas. The sequester will only make this much worse.

Fourth, there is a need to increase funding for cultural preservation before irreversible development errors are made. For example, Acoma remains deeply concerned about the potential impact of renewed uranium mining efforts on Mount Taylor. Mount Taylor is a sacred mountain to our Acoma people. Acoma believes that mining companies in the United States have an ongoing obligation to clean up environmental damage created by past uranium mining, and we have plenty of that. Uranium mining tailings exist and they not only affect the air but they also affect the groundwater. It is very important to increase funding to the Tribal Historic Preservation Officer program within the National Park Service to assure cultural preservation issues are fully addressed, especially when massive development is proposed. Uranium mining is encroaching on cultural properties of Acoma and other Southwest tribes.

Fifth, education. The Johnson-O'Malley program provides supplemental education services for Indian children attending public schools by providing student achievement and incorporating Native American languages and culturally based educational activities into the learning process. This is a worthy and popular program and should be fully funded. My students benefit from that.

Finally, Acoma supports the Carcieri fix, even though we are not directly affected by this issue. Passing this legislation is the right thing to do and it will help many of our fellow tribes.

In conclusion, I want to thank you for this opportunity to provide testimony before this subcommittee. Your work is of great importance to Acoma's Native peoples and it is greatly appreciated. Thank you very much.

[The statement of Gregg Shutiva follows:]

Written Testimony of
Gregg Shutiva, Governor
Pueblo of Acoma
House Interior Appropriations Subcommittee
Thursday, April 25, 2013

Requests for additional funding and/or support:

1. **35% Relative Decline in Federal Spending on BIA Programs**
2. **Indian Roads and Bridges**
3. **Smaller IHS Hospitals**
4. **Cultural Preservation**
5. **Water Resources Studies**
6. **Traditional Irrigation Systems**
7. **Johnson O'Malley Program**
8. ***Carcieri* "Fix"**

Introduction. The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural and social life revolves around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites, and has received numerous other designations including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is, itself, over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

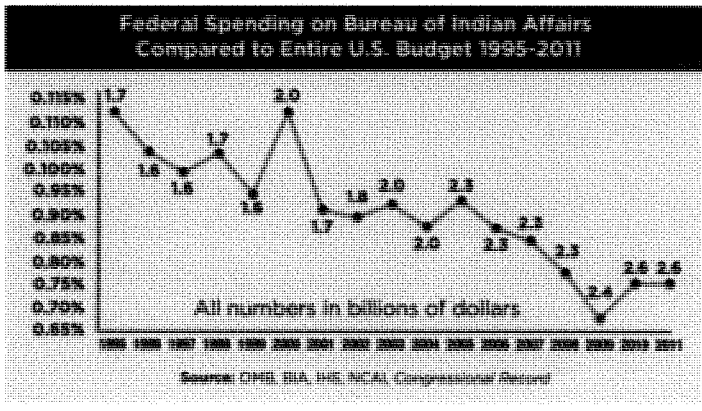
The Trust Responsibility. As this Subcommittee understands, the relationship between the United States and Indian Tribes is unique. Because of the course of history, there has arisen a trust responsibility on behalf of the United States to support Indian Tribes in our efforts to develop and maintain thriving, healthy communities. Regrettably, that responsibility has not been fully met, although I would like to thank this Subcommittee for frequently proposing increased funding levels for Federal Indian programs. I ask the Subcommittee to consider what it would take to fully meet that responsibility and to stand strong in defense of America's first commitment, which is to its Native peoples.

The Lincoln Canes and the Government-to-Government Relationship. Additionally, Tribes are not like other groups within American society. We are sovereign governments and have a government-to-government relationship with the United States. Every Pueblo governor carries a cane from Abraham Lincoln, which was specifically presented to the governors 150 years ago to acknowledge our sovereign authority over our lands and our

people. This cane is a physical embodiment of the recognition of our status and of the commitment of the United States to protect and respect our sovereign rights, as well as to support the well-being of our communities.

For most of the budget areas set forth below, I have set forth a description of a real-life example from Acoma of the need.

1. 35% Relative Decline in Federal Spending on BIA Programs. Set forth below is a chart from an article that appeared in Indian Country Today. As you can readily see, as a percentage of the overall Federal budget, BIA funding has declined from 1995 to 2011 by 35%! Basically, funding for other Federal programs has risen substantially in that period, but the BIA programs have not received a proportionate increase!



2. Indian Roads and Bridges – addressing crumbling infrastructure and building critical new infrastructure:

Mesa Hill Bridge – A Growing Safety Concern. Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the school, Head Start, government and Acoma housing areas are on the south-side. Acoma seeks inclusion of the Mesa Hill Bridge as a funding priority in the Highway Act reauthorization legislation.

3. Smaller IHS Hospitals – Funding Health Care at the Front Line.

Turning Around The Indian Health Service Hospital At Acoma. The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding communities. However,

the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. ACL officials recently informed Acoma that there are over 50 unfilled positions at the hospital. Acoma and Laguna continue to examine the option of taking over management of the hospital. It is Acoma's sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities, then to maintain standards at the smaller facilities located in many Indian communities. While that might be economically efficient, it comes at the price of providing quality care within many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care.

4. Cultural Preservation – A need to fund this area before irreversible development errors are made.

Uranium Mining On Mt. Taylor. Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor – a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families and to communities. Mining proponents claim that uranium mining can "now" be done safely, but so far they have just asserted that this is so, they have not demonstrated that it is so, much less demonstrating it to the high degree of scientific certainty necessary to allay Acoma concerns. Acoma has engaged in direct discussions with the mining companies and asked them to support additional hydrologic studies, as well as to work with Acoma to prevent damage to cultural sites. Acoma asks that Federal officials assure that no short cuts are taken in examining mining proposals and that they urge the mining companies to work closely with Native communities to fully address their concerns. Acoma believes that the mining companies and the United States have an ongoing obligation to clean up the environmental damage created by past uranium mining. Attempts to link such clean up to the start up of new mining operations are morally faulty. The obligation to clean up is independent of the question of whether renewed mining should be allowed. *It is very important to increase funding to the Tribal Historic Preservation Officer program within the National Park Service to assure cultural preservation issues are fully addressed.*

5. Water Resources Studies – in the Arid West Water is Gold.

Water Resources Development Act Reauthorization – Cost Waivers. Acoma supports amending WRDA to provide a waiver of up to $500,000 for the tribal share on watershed studies. Acoma and other tribes cannot afford the current 50% cost match and yet these studies are critically important before other development can advance.

6. Traditional Irrigation Systems.

Rio Grande Pueblos Irrigation Infrastructure Improvement Act Funding. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. Acoma requests that this Act receive substantial funding.

7. Johnson O'Malley Program. The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in the learning process. In 1995 the Bureau of Indian Affairs froze the student count, effectively placing a moratorium on the establishment of new JOM programs despite that the fact that the Indian student population has increased overall and more school district have been established. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "vested authority" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that they reach their educational goals.

8. Support the *Carcieri* "Fix." Although there is no question that Acoma was "under Federal jurisdiction" in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court's decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. The President has included *Carcieri* "fix" language in his FY 2014 budget, and this Committee strongly supported "fix" language earlier, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

Conclusion. Thank you for this opportunity to provide testimony before this Subcommittee. Your work is of great importance to America's Native peoples and it is greatly appreciated.

Mr. SIMPSON. Thank you. Taylor Mountain is kind of a historic landmark, is it not?

Mr. SHUTIVA. Mount Taylor is one of our sacred mountains, and it is also a sacred mountain to many other tribes including Laguna, Santa Clara, Hopi, Zuni, the Navajo, all our neighboring tribes. We have a cultural boundary from Acoma and we have four sacred mountains. One of our sacred mountains is located all the way in Flagstaff, Arizona. But to the north of us is Mount Taylor, and we have—I mean, the entire landscape of Mount Taylor is covered with cultural sites for us, and they are encroaching upon all of those, even trails.

From the time of emergence, that is when we made our journey to Acoma, a place that was prepared for us, a place called Hagwa, and in my language, that means preparedness. As we ventured to Acoma, we made settlements along the way, but we also went back to some of those settlements for agricultural purposes, and that is where the threat is. There is a uranium mining company that has an application in right now, Roconda Resources, and they are going to be encroaching upon our underground water system. We have a perennial spring that is going to be affected by their dewatering of the mining effort, and I hope that you can look into that. I hope that you can keep that in consideration as you put your budgets together.

Mr. SIMPSON. Well, when you mentioned it, I just knew that I had read about it somewhere in some books that I had read and stuff.

Anyway, Bruce, you are up.

THURSDAY, APRIL 25, 2013.

SANTA CLARA PUEBLO

WITNESS

J. BRUCE TAFOYA

Mr. TAFOYA. Good morning. Thank you, Chairman Simpson, Ranking Member Moran and Ms. McCollum. My name is J. Bruce Tafoya. I am presently Governor of Santa Clara Pueblo, and I thank you for giving me this opportunity to testify on behalf of my pueblo and the fiscal year 2014 budget.

As you all know, I think Governor Dasheno testified last year also and I am kind of going to reiterate what he was saying about the fire of the Las Conchas. In December of 2011, the Santa Clara Pueblo was devastated by the Las Conchas fire, at the time the largest wildfire in New Mexico history. This fire has destroyed much of our traditional homeland and spiritual center. We estimated that more than 17,000 acres of our forestlands burnt, and together with earlier fires, the Oso, the Cerro Grande, all which originated off our lands in U.S. Forest Service national forestlands. That is where they all originated from. Eighty percent of our forests and a huge part of our culture has been destroyed. In addition, the loss of our forests has devastated wildlife, recreation resources, our irrigation. Because the Santa Clara canyon has been stripped of its vegetation, the pueblo is now at tremendous risk of flooding.

The bait soil is hydrophobic now, which means it is just like this; it does not soak. A thousand Santa Claras live in the potential floodplain with hundreds of residential structures as well as our senior center. Our adult daycare and our tribal administration buildings are at high risk. We have also an emergency management plan but our elders do not want to move out. They have seen floods, they have seen high waters, and you know how our elders are. They are insistent.

We are only at the beginning of the flood mitigation and forest recovery effort. We do have cooperative agreements within the U.S. Forest Service and the BIA, so we are thankful for that.

The fire has raised numerous short-term and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with the federal government. During the monsoons, summer season, every afternoon we will face the threat of a thunderstorm that will send torrents of water, a very high level of water coming down, runoff and debris, which is still coming down, down the Santa Clara canyon and the creek, creating a huge risk of flooding for our homes, public buildings and irrigation system.

Second, we must address the environmental impacts of this fire, which includes the physical health impacts from the huge quantities of smoke as well as the devastating emotional impact of our community of such a great loss. It also includes water quality impacts of tons of ash, debris and other materials flowing into the Santa Clara Creek affecting our fishery, our wildlife consumption, agriculture and cultural uses and safety uses within our Santa Clara canyon due to the destabilized landscape, resulting in falling boulders, dead and downed trees, and this runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream.

Just to mention, there was mention of, you know, diabetes, and we do use our wildlife to consume.

Third, we are assessing how to recover from the loss of an unprecedented amount of cultural resources in sites like my colleague here, Governor Shutiva, mentioned, damage to sacred places to a loss of animal and plant species that have been integral to Santa Clara culture and spiritual practices for generations.

Fourth, Santa Clara suffered extended financial impacts including not only the direct effects of the fire but also the reduction in arts and crafts sales and a decline in tourism, visitors to our hotel.

Fifth, we still need fire suppression resources to protect the remaining 20 percent of our forest as we now are in a drought all over the country, especially in the Southwest.

Finally, we must address the long-term restoration of the forest. This is a project that we anticipate will take several decades, if not generations, but one to which we have already set our minds and one of the areas we are concentrating on is education, educating our children, our grandchildren. So there are positions in administration, biologists, forestry, geologists, we want them to be there because they will know how to handle instead of contracting. We have our own people to do all these assessments that we are currently doing now. So this is one of the steps that we are taking to ensure that this is being continued because it is going to be up to

them how the canyon area is going to be restored back to the original, if not a different face.

We ask the subcommittee to support additional funding for interior burnt emergency response teams as well as additional resources for the BIA to assist the Santa Clara Pueblo and other impacted tribes who experienced devastating natural disasters. Never again in my lifetime will I see the spiritual homeland of Santa Clara canyon as my people have known it for centuries. We will devote the resources available for us to heal the land but we also turn in this hour of need to our federal trustee and ask for assistance in addressing this calamity.

I have also another document just to go on real quick. We plan on doing our Santa Clara health clinic too, the issue of IHS. We are working. We have a planning design already going but hopefully some day there will be some funding available to help us build. It was supposed to only serve our pueblo but now it serves six to seven pueblos with a rate of 26,000 patients per year, and it is only a four-room facility with two doctors, one nurse, two pharmacists and a lot of it is contracted out, but we would rather see those services within our community.

One of the issues that we are doing too is the Rio Grande, reintroduction of the Rio Grande cutthroat in our headwaters. We were in the process of doing that. We were going to bring the fish in. We just built our dam. We finished the last pond that was up there and then the fire occurred, so now we have got to start all over again. The efforts are being made to do that worthwhile project.

Energy and transmission development at Santa Clara, that is what we are also seeing. Establishing a Santa Clara Pueblo adult daycare center, that is where we need operational dollars. We have building state and USDA funding but we need operational dollars for staff because we do not want to leave our elderly by themselves at the homes, and there have been several incidents to where they have gotten hurt. So it is only a daycare from 7 to 6, I believe, and then either the children or the grandchildren, our nephews and nieces can pick up their elders. We also have a boundary dispute around the Rio Grande area.

Baldis Cardaris, we want to build a joint effort with our forestry department doing forest mitigation because that is where a lot of the issue—that will be our soft boundary where we want to do restoration because we have culture sites there.

And then wastewater projects, we have been working with the state but we would like federal assistance.

And lastly, just like Governor Shutiva mentioned, we also have a sacred mountain and it is significant to all the tribes. We are interested in getting all the grazing permits within the national forest. There is only one holdout, but we would like to go and do stewardship and then eventually some day with your help we can have ownership of that mountain because it is very sacred to us.

[The statement of J. Bruce Tafoya follows:]

Testimony of
J. Bruce Tafoya, Governor
Santa Clara Pueblo
Before the
House Interior Appropriations Subcommittee
Thursday, April 25, 2013

Introduction. Thank you, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, for this opportunity to testify on the FY 2014 Federal budget. My name is J. Bruce Tafoya. I am the Governor of the Santa Clara Pueblo. My testimony will focus on:

- **BIA Disaster Funding.**
- **Building New Health Facilities – Funding the Joint Venture Construction Program.**
- **Funding for Self-Governance Initiatives at BIA and IHS.**

As the Subcommittee works on the FY 2014 Interior appropriations budget, I would urge your continued commitment to fulfilling the Federal trust responsibility. In very important ways, this Subcommittee is empowered to do the most in that regard by providing adequate funding to meet the basic needs of Indian country. We appreciate that the Subcommittee has sought to increase funding levels in the past. In this age of sequestration, we urge you to continue this support to offset the effects of sequestration, which unfairly and disproportionately fall on Indian Country.

Las Conchas Wildfire. In the summer of 2011, the Santa Clara Pueblo was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. Although mercifully no lives were lost and no homes were burned, we still saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. We estimate that more than 16,000 acres of our forest lands burned in this fire and, together with the lands that we lost in the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, 80% of our forests and a huge part of our heritage has been destroyed. In addition, the fire burned thousands of acres of our traditional lands that are outside our current reservation and that continue to hold cultural sites and resources of great importance to us. This area encompasses our lands of origin, the P'opii Khanu - the headwaters of our Santa Clara Creek, and numerous cultural and traditional sites. In addition, the loss of the forest is devastating to wildlife and wildlife habitat, recreational resources, and to the purity of our water - which we use for irrigation and many traditional purposes. In the last decade we have faced four forest fires that have threatened our forests – the Oso, Cerro Grande, South Fork and Las Conchas fires – and none of them originated on our lands. Although fate plays its part, we have suffered horrible consequences largely due to the failure of others to properly guard in some fashion against causing a fire. Throughout this tragedy, the Santa Clara people have shown extraordinary courage and determination to persevere and to begin the long road to recovery so that, while my generation may never see the canyon in its glory again, that will not be said of the next generation.

Awaiting the Next Disaster – Post-Fire Flooding. Because the Santa Clara Canyon has been stripped of its vegetation, the Pueblo is at tremendous risk of flooding. Over 50% of the Santa Clara Pueblo watershed burned during the Las Conchas fire. Due to the high severity of the burn, there has been a dramatic reduction in the infiltration rates in the burned area – the soil is now what is termed by soil scientists as "hydrophobic." This has resulted in a four-to eight-fold

increased runoff and sediment/debris flow into the Santa Clara Creek, posing a severe threat to the lives and safety of the people of Santa Clara Pueblo and increasing the potential for widespread property damage. The channel through Santa Clara Pueblo no longer has the conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential structures, as well as several public structures are at risk from flood and debris flows if more action is not taken.

A mere 1 inch rain event over 8 hours, or what hydrologist refer to as an average monsoon season storm, on August 21, 2011 led to intense flooding and the emergency evacuation of Santa Clara and US Army Corps of Engineer personnel. This rain event resulted in a Presidential Disaster Declaration. As the Department of the Interior, Interagency Burned Area Emergency Response ("BAER") Team noted in a July 17 report, the intense flames from the fire burned trees and vegetation off the steep slopes of the canyon and heated the soils causing severe damage to the natural resources of the area and placing the downstream tribal members of the Santa Clara Pueblo at risk to extreme flooding. The post-fire watershed effects were rife for massive landslides and debris flows which occurred on August 21, 2011. The August 21, 2011 event produced massive debris (including boulders) and severe mud flows to the canyon bottom. The Canyon reservoirs were overwhelmed (over topped) by this average rainfall event following the fire and are now full of sediment, and now pose a potential flood risk if not dealt with immediately. Flood protection emergency measures put in place after the Las Conchas fire were inches away from being compromised. It is important to note that this storm was an isolated thunderstorm over a small portion of the Santa Clara watershed (one drainage) and not over the entire watershed (what hydrologist refers to as a general storm). If the rain event of August 21, 2011 had occurred over the entire post fire Santa Clara Pueblo watershed, the Santa Clara Pueblo would have been devastated.

We are only at the beginning of the flood mitigation and forest recovery effort. The fire has raised numerous, interrelated, short and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with Federal laws and regulations. First, during the summer monsoon season, every afternoon, we will face the threat of a thunderstorm that will send torrents of water and debris down the Santa Clara Canyon and Creek, creating a huge risk of dam failure and catastrophic flooding for our homes, public buildings and irrigation system. Second, we must address the environmental impacts of this fire. This includes the physical health impacts from the huge quantities of smoke, as well as the devastating emotional impact to our community of such a great loss. It also includes water quality impacts as tons of ash, debris and other materials flow into the Santa Clara Creek affecting fisheries, wildlife consumption, agriculture and cultural uses, and safety issues within our Santa Clara Canyon due to the destabilized landscape resulting in falling boulders and dead and down trees. This runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream or that use the Rio Grande. Third, we are still assessing how to recover from the loss of an unprecedented amount of cultural resources and sites, from damage to sacred places, to the loss of animal and plant species that have been integral to Santa Clara cultural and spiritual practices for generations. Fourth, Santa Clara bas suffered extended financial impacts, including not only the direct efforts to address the fire, but also the closure of Puye Cliff Dwellings, the reduction in arts and crafts sales and the decline in tourists and visitors to our hotel. Fifth, we still need fire suppression resources to protect the remaining 20% of our forests. Finally, we must address the long term restoration of the forests. This is a project that we anticipate will take

several decades but one to which we have already set our minds.

We ask the Subcommittee to support additional funding for Interior Burned Area Emergency Response (BAER) teams, as well as additional resources for the Bureau of Indian Affairs to assist Santa Clara Pueblo and other impacted tribes who experience devastating natural disasters.

Developing a New Health Facility – Refunding the Joint Venture Construction Program of the Indian Health Service. The Santa Clara Health Center (SCHC) was built in 1981 and was not designed for the number of patients presently seen there. From FY 2007 to FY 2009, annual patient visits to the Health Center surged from 14,878 to 27,884, or 87%. Such a dramatic increase in patient visits has pushed the Health Center well beyond its capacity to effectively serve its clients. Santa Clara has retained consultants to advise on the design of a new facility. Santa Clara has approached the Indian Health Service about participating in the Joint Venture Construction Program, which provides that if a tribe provides a facility, the Indian Health Service will commit for a minimum of 20 years to staff and equip that facility. The program is very successful but completely reliant on Congress making the financial commitment to the staffing levels. Santa Clara has been advised by the IHS that they only have such a commitment for three more facilities, which are already in the works, and that Congress would have to renew its financial commitment for additional tribes to participate in this program. Santa Clara asks that Congress make that commitment.

National & Self-Governance Budget Priorities. In general, all Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) line items should be exempt from any budget recessions and discretionary funding budget reductions. More specifically, Santa Clara urges the following:

Bureau of Indian Affairs

- Fully Fund Contract Support Costs (CSC).
- Fully Fund Fixed Costs/Pay Costs. Historically, Tribes have been disadvantaged because they have never received Fringe Benefit Fixed Cost adjustments.
- Tribal Priority Allocations. For two decades, inadequate funding for Tribal priority allocations has hindered Tribes from fully exercising their right of Self-Governance.
- Law Enforcement
    1. Fully fund all of the provisions of the Tribal Law & Order Act of 2010 that authorize additional funding for law and order programs that affect Indian Tribes, for FY2014 and beyond; and
    2. Increase funding for Bureau of Indian Affairs Law Enforcement by $30 million, including an increase in funds for officer recruitment and training; and for Tribal detention facilities operations and maintenance.
- Education
    1. Provide $24.3 million in funding to the Johnson O'Malley (JOM) program;
    2. Provide $263.4 million for Bureau of Indian Education (BIE) School construction and repair;
    3. Provide $5.0 million to support Tribal Education Departments (TEDs);
    4. Provide $36.0 million for Title III-A grants under the Higher Education Act; and
    5. Provide $431.0 million for the Indian School Equalization Formula (ISEF).

- Office of Self-Governance (OSG) – Provide increased funding to the OSG to fully staff the office for the increase in the number of Tribes entering Self-Governance. We vehemently oppose any consolidation of the OSG within DOI. Self-Governance is a process that will continue to allow Tribes to govern at the local level to address the needs of our citizens and our communities.

Indian Health Service:

- Contract Support Costs (CSC) – Fully Fund CSC.
- Mandatory Costs – Provide $304 million increase to maintain current services. Mandatory cost increases are necessary to maintain the current level of services. These *"mandatories"* are unavoidable and include medical and general inflation, pay costs, phasing in staff for recently constructed facilities, and population growth.
- Indian Health Care Improvement Fund – The purpose of IHCIF is to address deficiencies in health status and resources within the Indian health system and to promote greater equity in health services among Indian Tribes.
- Contract Health Services (CHS). CHS funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services.
- Alcohol and Substance Abuse Programs – Provide $40 million increase.
- Adequate Funding for Implementation of the Indian Health Care Improvement Act (IHCIA).
- Office of Tribal Self-Governance - In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43% from the previous year. In subsequent years, this budget was further reduced due to the applied Congressional rescissions. As of 2012, there are 337 Self-Governance (SG) Tribes managing approximately $1.4 billion in funding. This represents almost 60% of all federally-recognized Tribes and 33% of the overall IHS funding.

Conclusion. Never again in our lifetime will we see our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, as we have known it. It will take generations for our community and lands to recover from the devastation of this fire. But this is our only homeland; it is the place we have been entrusted with since time immemorial. While we intend to devote the resources we can to the healing of our land and the protection of our community we do not have the resources to do it alone. We turn in this hour of need to our Federal trustee and ask for your sustained assistance in addressing this calamity and assuring the remediation of our sacred homeland. At the same time, we ask the Congress to support the Joint Venture Construction Program so that Santa Clara, and other tribes, through their own commitment of financial resources, can speed the improvement of health facilities in Indian Country. We also ask Congress to address the other budget needs set forth in this testimony.

Mr. SIMPSON. Thank you for your testimony. I appreciate it very much. Betty.

Ms. MCCOLLUM. Mr. Chair, I think the governors did a great job, not only talking about their specific tribal needs but also the needs there. I was there a couple falls ago when you were doing the Deer Dance Festival. Mr. Chair, if we are going to plan a trip to Arizona, you do it then because you can go into everybody's house and taste the chili, and everybody was so welcoming. The school needs, the hospital needs, I saw them firsthand, but you are doing amazing work, especially your focus on preschool education at all the pueblos I visited. You are to be commended for that, the investment that the elders are making into the next generation.

Mr. SIMPSON. Thank you for your testimony. I appreciate it very much.

Mr. TAFOYA. May I just say one more thing? I would like to welcome all of you to come out there to Santa Clara Pueblo in New Mexico. We would like to really show you what we are up against, what we have to be doing, but the invitation is always open. We can accommodate you at our hotel, and put some of your funding in there.

Mr. SIMPSON. I appreciate it. Thank you.

Mr. SHUTIVA. And the invitation is open for Sky City as well. Any time you are in New Mexico, please come out to the Sky City.

Mr. SIMPSON. Thank you.

Our next panel is Nancy Martine-Alonzo, Beverly Coho, David Martinez and Faye BlueEyes. Welcome. Nancy, you are first.

THURSDAY, APRIL 25, 2013.

RAMAH NAVAJO CHAPTER

WITNESS

NANCY R. MARTINE-ALONZO

Ms. MARTINE-ALONZO. Thank you very much. Mr. Chairman and members of the subcommittee, I am Nancy Martine-Alonzo. I am the newly elected Ramah Navajo Chapter's Secretary/Treasurer. You have heard me give testimony before as President of the Ramah School Board, and I am here testifying with them also, and for the record I would like to say that Ramah Chapter fully supports the testimony that the school board will provide as well.

Our testimony focuses on four areas, and these four areas, the number one being the devastating impact of the sequestration, and number two is the effort to retain our BIA agency located at Ramah, and then third is to request for additional funding, and then fourth is to support the President's fiscal year 2014 budget and to make sure that those funds that are appropriated reach down to the local levels because we are experiencing the most devastating impact is on that level because the funds start with the headquarters, then regional, then area, then agency, then down to the community level, so by the time that it gets there, you know, we are not seeing the impact, although we are grateful for the increase in the funding that we have been receiving.

The Ramah Band of Navajos, we are 3,500 members strong, and we reside on approximately 300 square miles. Our reservation is 18 miles by 30 miles. And we have successfully operated 638 programs for over 40 years and we are very proud of that fact. The funding is so critical to us maintaining those programs, and what has happened with the sequestration is that it has caused elimination or eradication of our agency. We have a Ramah agency that is necessary because out of all the tribes in the Southwest region, the Ramah School Board and the Ramah Navajo Chapter operate the most number of 638 programs. You know, we have 638 programs that include natural resources and agriculture, forestry, law enforcement and detention, real estate services, transportation, facilities management, water rights and community planning programs, and then of course the school board also operates a whole number of other 638 programs as well. So we need that partnership, we need that interface with the agency in order to carry on the implementation of these programs.

And what has happened in terms of the impact is that we have 10 FTEs that work in the agency and six of them became eligible for retirement, and as part of BIA's streamlining, they are offering a buyout to those employees that have that longevity and are ready to retire, and $25,000 that they give as incentive for that early buyout comes out of the program dollars so this year at this juncture we have, like, maybe $10,000 to $12,000 in road maintenance, and knowing that we are situated at a place, we have 7,000 to 8,000 feet, we have a long duration of inclement weather and we need those roads to be maintained during that time for our school buses, for the clinic's hospital emergencies, for our law enforcement and it is the only roads that service all the business needs of our community, so how are we going to finish the year with just $13,000, and that is, you know, a plan that has happened. And so we are asking this Committee and our Congressional delegation to ask them to look into how these cuts are being implemented because it needs to be fair. We understand and we acknowledge that as a country we have to pay for the deficits that we have but we want it to be fair, we want it to be proportional to what we are doing, and even especially at the local level, and that is what our testimony is today. We are finding that the reduction of the programs is affecting all of the programs that we operate right now, and not only the roads but also other programs that the BIA still has, which is fire management, and then their executive administration direction, those are also being impacted, and we have no choice but to contract for roads and to contract for fire management in order to keep the fundings intact. Otherwise they will just get eliminated and that is the kind of hard choices that we are facing in our community right now.

Another component of our testimony covers the need to maintain the agency because we have over 240 original allotments and over 3,000 inherited interest and we need to maintain the records and all of the protection of the allotment status for our members, and we know that trust services is one of the pieces that the agency covers right now, and so in order for us to continue to not fall into the lawsuit about Cobell, we need the funds in order to be able to maintain the agency and all of the real estate that we have there

because we have a lot of different—seven to eight different land statues that checkerboard our reservation and so it is important that we keep really good records and protect the land that we have so far.

We are also asking for additional appropriation in the amount of $2.8 million. We are very fortunate and grateful for the money that we receive to build a detention center. Some of the funds came from the ARA fund, some of it came from Navajo Nation, some of it from other federal funding and state funding that we put together, and we will be able to finish our detention center this year, and the funds we are requesting for is to operate that detention center. Currently, our facility can house only about six inmates, and the new facilities will be able to accommodate at least 30, and so we are now in a situation where we really cannot afford to keep it, you know, at that level, and the funds would be able to operate the whole detention center that is separate from, you know, law enforcement. And so if there is additional funding we receive, it can just go into our AFA, our annual funding agreement with the BIA and it can be under that line item under corrections, and so that is how those funds will flow.

We have also been increasing the land size of our reservation and so we have a need for natural resource training facilities so we are able to finish that, and we need the additional funds in order to be able to address that.

And so these are just some of the things and the ways that our agency and the community have been impacted and so we very much need your support and want you to help us to maintain the programs that we have. Thank you very much.

[The statement of Nancy Martine-Alonzo follows:]

Written and Oral Testimony of Nancy R. Martine-Alonzo
Secretary/Treasurer
Ramah Navajo Chapter-Ramah Band of Navajos

Submitted to the US Congress:
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED AGENCIES
FY 2014 FEDERAL BUDGET REQUEST, SUPPORT AND CONCERNS FOR: DEPARTMENT OF INTERIOR (DOI)--BUREAU OF INDIAN AFFAIRS (BIA)

April 25, 2013

Mr. Chairman and Members of the Subcommittee:

My name is Nancy R. Martine-Alonzo, Secretary/Treasurer of the Ramah Navajo Chapter, Ramah Band of Navajos. Thank you for the opportunity to submit our written testimony for consideration under the DOI-BIA FY 2014 Budget. Our testimony focuses on the (1) devastating impact of the federal sequestration, (2) retention of the BIA-Ramah Navajo Agency at the local level, (3) Additional funding request for appropriation of **$2,845,610.00** for FY 2014, and (4) support for the President's FY 2014 budget request for Indian Affairs and ensure the increases reach the tribal and organizational level where services are provided, as well as hold Indian Health Services and BIA Contracted funds harmless. The Ramah Navajo Chapter also supports and concurs with the Ramah Navajo School Board, Inc. testimony.

Introduction:
The Ramah Band of Navajos is located in west central New Mexico, geographically separated from the Navajo reservation with a population of approximately 3,500 members. Ramah Navajos occupy about 300 square miles (approximately 146,953 acres) of "checkerboard" territory–lands owned by the Band, by individual non-Navajos, by the Navajo Tribe, by the State of New Mexico, and by the Federal government. The Ramah Navajo community is surrounded with approximately 1200 non-Indian residents throughout the community. In 1984 the Ramah Navajo Chapter with authorization from the Navajo Nation successfully contracted several programs through the P.L. 93-638 Indian Self Determination and Education Assistance Act (ISDA) that includes: Natural Resources/Agriculture, Forestry, Law Enforcement/Detention, Real Estate Services, Transportation, Facilities Management, and Water Rights and Community Planning programs. Ramah Navajo School Board, Inc., an arm of the Ramah Navajo Chapter contracted many of the education programs, HIP, Community Services and many of the Indian Health Services. The Ramah Band of Navajos has successfully been contracting these programs for over 40 years in which a government-to-government relationship has evolved and is recognized by the federal government as such. Ramah Navajo as a community has exercised the Indian Self-Determination to the highest degree that impacts almost every Indian tribe in the county and resulted in a strong partnership with the BIA-Ramah Navajo Agency (RNA) in meeting the needs of the Ramah Navajo people.

1) **Federal Sequestration impact currently caused: (A) Eradication of the BIA-RNA and Road Maintenance, Fire Management and Executive Direction services.**

A) Reduction of Contract Program Services:
Over several years, The BIA-DOI has never fully partnered nor advocated on behalf of Indian Tribes and organizations contracting under ISDA. Instead Tribes have had to advocate and struggle to maintain the ISDA funding. Once again under the current sequestration Act, DOI-BIA did not attempt to keep the impact at a minimum. Instead, the BIA created confusion through inconsistent decisions of the Secretary of the Interior's proposal to streamline the current DOI-BIA organizational structure. Consultations were NOT provided by the DOI-BIA, as indicated in the Fiscal Year (FY) 2013 DOI-BIA Green Book, to tribes who are impacted by the budget cuts. Although we have met with our congressional representatives who have requested of DOI-BIA for budget cut justifications on our behalf, none has been provided. Tremendous and severe impacts are in effect with current budget cuts affecting the vital programs resulting in elimination or consolidation at the end of this month. These vital programs are: Road Maintenance program, Fire Management program and the Agency Executive Direction which has no assurances to maintaining oversight for over $30 million dollars beyond FY 2013 for both the BIA and Bureau of Indian Education (BIE). If the Ramah Navajo community loses the BIA-RNA as proposed by the DOI-BIA, the Ramah Band of Navajos will be submersed in an indifferent sea of bureaucratic streamlining that will further erode the government-to-government relationship essential to our community's direct services provided to our people.

Although we are providing needed services within our existing contracted programs, the amount of funding we receive each FY is never sufficient. Instead of receiving increases to our Annual Funding Agreement, we are told to utilize the previous FY budgeted amounts; this has been the case in previous years and has resulted in continued increase of our unmet needs. Now, the federal sequestration has affected our efforts and has elevated the negative impact to Ramah Navajo's most critical programs.

Up to this year, Ramah Navajo BIA Agency has maintained over 452 miles within the BIA Road Inventory System under the Road Maintenance program. Due to elevations between 7000 to 7800 feet, and greater periods of severe weather conditions, it is vital to retain the Roads Maintenance programs at the local level. Our only option now is to contract the roads maintenance program, but even with the increases for road maintenance this FY; there will not be enough funds to operate to the end of the fiscal year. These roads serve the people's life lines for educational, health, social, emergencies/police and community services. More importantly, the daily transportation of the students to BIA funded Pine Hill Schools and Ramah Public School provides opportunities to become productive citizens.

2) **Eradication of the BIA-Ramah Navajo Agency**:

After years of neglect since its inception, the BIA-federal agency/offices that were given the responsibility to oversee the Ramah Band of Navajos, the Ramah Navajo community determined the need to establish the BIA-RNA. The paramount justification is to ensure trust responsibilities for daily operational business and services within this isolated rural community. Prior to the establishment of this RNA the community literally had dirt trails which served as roads, substandard housing, no health facilities, unemployment was at 99%,

and an Education system was practically non-existence. Unemployment is now at 70%, which is an improvement over the years in spite of the increased population. The inception of BIA-RNA provided for paved roads and road improvement; this access afforded Ramah Navajo the opportunity to address many infrastructures such as an edueational system by contracting BIA-BIE programs and has graduated more than 900 students and over 150 community members have received post-secondary degrees.

RNA is the only Agency within the BIA-SWRO that maintains the largest P.L. 93-638 contracts that are currently operated by Ramah Navajo Chapter and the Ramah Navajo School Board, Inc. among 27 Tribes and Pueblos. The BIA-RNA still maintains oversight to monitor and has signature authority for the P.L. 93-638 contracted programs. The BIA staff may be small, but the work is tremendous and essential. Again, we wish to emphasize the critical importance for RNA to maintain this signature authority at the local level. Since 1986, because of this signatory authority, Ramah Navajo Chapter and Ramah Navajo School Board, Inc. has successfully contracted program through the P.L. 93-638. Please understand the Federal Sequestration affects the "Signature Authority" of Ramah Navajo. The BIA-RNA has the second largest Individual Indian Allotments within BIA-SWRO with a recorded 240 original allotments which has over 3000 inherent interest. These allotments are contracted by the Ramah Navajo Chapter and BIA maintains the trust responsibility for all of the Trust Services contracts.

The programs provided are entirely separate from the Navajo Nation programs, and the BIA Navajo Region. Ramah Navajo needs to retain the BIA-RNA at the local level and to remain under the BIA Southwest Regional Office. Ramah Navajo Chapter has 3 mature contracts and 7 project specific contracts with the DOI-BIA consisting of 15 programs with a total of 56 regular full time employees and 28 temporary employees. Ramah Navajo School Board, Inc., has several mature contracts consisting of numerous programs under BIA, BIE and Indian Health Services with over 200 regular full time and temporary employees.

This long steady relationship between Ramah Navajo and the BIA-SWRO has been endorsed by the Navajo Nation Council pursuant to Resolution No. CJY-61-94, and is also in accord with the Navajo Nation Law 26 N.N.C. , Navajo Nation Local Governance Act as enacted in 1998.

3. **Additional Funding Request for Appropriation of $3,845,610.00 for FY2014**

   (A) REQUEST: BIA-Office of Justice Services Funding for the Operation and Maintenance of the Detention Facility. $1,815,610.00 (Repeated Request for the past 3 years)

   a. Increase funding for new Detention facility for Start-up and Operation & Maintenance cost.
   b. Establish and identify as recurring funding under the Ramah Navajo Chapter's Correction Department Annual Funding Agreement with the DOI-BIA.

   (B) REQUEST: BIA Funding for Natural Resource Training Facilities. $650,000.00 (Repeated Request for the past 3 years)

a. Funding to complete the Agricultural complex in the amount of $400,000; and
b. Establish and identify as recurring funding of $250,000 for increased staffing and operation.

(C) REQUEST: BIA Funding for Real Estate Unmet Infrastructure needs: $380,000.00 (Repeated Request for the past 3 years)

a. Four (4) Fire Proof Filing Cabinets: $5,000.00; and
b. Real Estate Services Building; 4-5 office space, meeting and filing room: $250,00.00
c. Establish and identify as recurring funding of $125,000 for two (2) additional staff.

4. SUPPORT: President's FY 2014 Bureau of Indian Affairs and Bureau of Indian Education budget for the amount of $2.6 billon.

a. Request for committee to support and advocate holding the funding for Indian Country in FY2014 Harmless and not be subjected to budget cuts.
b. (b) The Ramah Band of Navajos is requesting for your support for the President's FY 2014 budget in the administration's continued commitment to meeting the government's responsibilities to Indian County for the much needed services and to promote economic development, improve education, and strengthen law enforcement and justice administration
c. Appropriate the FY 2014 funding to reach the local level as opposed to headquarter, Regional and Area levels to provide funding for the most needed programs and services for Indian Country as established through the P.L. 93-638 Annual Funding Agreements.

In closing, the Ramah Navajo Chapter has been very successful and diligent stewards in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos. We value the funds that are appropriated by Congress that has made a difference in the lives of our people. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully Submitted:

Nancy R. Martine-Alonzo, Secretary/Treasurer
Ramah Navajo Chapter
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Ramah, New Mexico 87321
505-775-7132 Fax 505-775-7103
RNC E-mail Contact: nmalonzo@aaihb.org

Mr. SIMPSON. I appreciate that. David, are you next?
Mr. MARTINEZ. Beverly is next.
Mr. SIMPSON. Okay.

THURSDAY, APRIL 25, 2013.

RAMAH NAVAJO SCHOOL BOARD

WITNESSES

BEVERLY J. COHO
DAVID MARTINEZ, JR.

Ms. COHO. Mr. Chairman, members of the subcommittee, Honorable Simpson and Honorable McCollum, my name is Beverly Coho. I am the Vice President of the Ramah Navajo School Board, Inc., from the Ramah Band of Navajos, Pine Hill, New Mexico. Good morning. Thank you for this time. Thank you for all the past funding. This is about our 43rd year that the Ramah Navajo School Board is traveling to Washington, D.C., and I will focus on five areas quickly, being cognizant of the time to the best of my ability.

First, I implore upon you to exempt Indian health care and Indian education from any further budget reduction as done for the Veterans Affairs programs. Indian health care and Indian education, as we know, are federal government trust responsibilities that have emanated from the treaty obligations.

Second, it is very important and imperative that the new school construction funds be restored immediately in order to provide safe and secure environment for education for our children. The efforts like Franken's amendment need to be continued until restoration is achieved. Facilities maintenance needs immediate attention too.

And then third, to minimize adverse impact on classroom productions and programs, adequate funding is absolute for student transportation. Many schools like the Ramah Navajo School Board-operated Pine Hill schools run daily bus services over many miles of unimproved roads.

Fourth, contract support costs to implement contracts with Indian tribes for services should achieve full funding. Never have contract support costs reached the statutory limit formula. As a matter of fact, some are being funded at an embarrassingly low 64 percent on the average so there is great disparity of funding of these federally funded programs with the tribal operated schools suffering greatly and therefore there needs to be a redirection of funds in the appropriate area.

Finally, the local control of education by local boards, especially on the vast geographical area of the Navajo Nation, must be continued. Ramah Navajo School Board has pioneered the Indian Self Determination Act. As a matter of fact, former President Nixon in his message to Congress stated that he was modeling the ISD policy based on the Ramah effort and therefore Ramah is steadfast in its position that the government closest to the people it serves is the most viable and therefore we are very cautious about supporting any one grant concept. We do not support operation of schools from a central hierarchal point of central government but we support true local control at the community level such as Ramah, and

thank you again. All the best to you. Thank you. And Mr. Martinez will continue.

Mr. MARTINEZ. Good morning, honorable Chairman, members of the subcommittee. My name is David Martinez, Jr. I am the newly elected President of Ramah Navajo School Board, and I have come to you here today to bring a message on three items that concern our school.

One, we are experiencing a water crisis. Our water system has been outdated for—it was built in the 1970s. The other, two, is the possibility of building a comprehensive early childhood complex and our Ramah Navajo Community Elder Service Center.

The water crisis—our water infrastructure was established in the 1970s and it has been deteriorating. There is only so much patching we can do. We have approached various agencies for funding such as USDA and tribal infrastructure funds, the State of New Mexico, and we have had some of our needs met but there are a lot of needs that are still unmet.

And item two and three are interrelated. A comprehensive early childhood education complex, we would like to build one next to senior citizens Ramah Navajo Community Elder Service Center. Currently, we are operating four programs out of our early childhood programs and they are all housed in trailer buildings. Our intention is to build two buildings together so we can utilize our elder community members, the knowledge of their culture and the language and our traditions and have them instill it into our young while they are still at an impressionable age and thereby continue our traditions and our language. And that is about all I am here to cover, and I would like to thank you for your time. I know we are kind of pressed for time here, and I have been watching my watch.

[The statement of Beverly Coho follows:]

David Martinez, Jr., President & Beverly J. Coho, Vice President
Board of Trustees, Ramah Navajo School Board, Inc.
Ramah Navajo Reservation, Cibola County, Pine Hill, New Mexico

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CONGRESSIONAL TESTIMONY

Submitted to the United States Congress:

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

FY 2014 Federal Budget Request for:

BUREAU OF INDIAN AFFAIRS (BIA) / BUREAU OF INDIAN EDUCATION (BIE) & INDIAN HEALTH SERVICE (DHHS/IHS)

APRIL 18, 2013

Mr. Chairman and Members of the Subcommittee:

Request Summary: On behalf of the Board of Trustees of the Ramah Navajo School Board, Inc., (RNSB), we are respectfully requesting funding to address three major needs of the Ramah Band of Navajo Indians, located on the Ramah Navajo Reservation, Cibola County, New Mexico. We are requesting Congress to (1,) Appropriate and/or instruct the Bureau of Indian Affairs to make available funding from its FI&R or other funds, $2.8 million for major rehabilitation and upgrades to the water infrastructure of the Ramah Navajo School Board (which supports Pine Hills Schools, Early Childhood programs, the Pine Hill Community Health programs, Behavioral Health and Social Services, adult education, KTDB Public Radio Station, community services and many other ancillary programs and administration facilities); (2.) appropriate $2.1 million for a new DOI BIA/BIE " Comprehensive Early Childhood Education Complex" at Pine Hill Schools; and (3.) $3.63 million for a "Ramah Navajo Community Elder Services Center."

Background. The Ramah Navajo School Board was founded in 1970 by the Ramah Navajo Chapter of the Navajo Nation to *"provide charitable, benevolent, social, educational and related services as needed by the Ramah Navajo community."* From that humble beginning, a Native American community took control of their destiny and started the first local Indian community controlled school from scratch in modern time -- and eventually came to govern the K-12 Pine Hill Schools, the Indian Health Services Pine Hill Health Center, and 30- plus other educational, health and community services programs on the behalf of the Ramah Band of Navajo Indians. It was this groundbreaking action that precipitated the Indian Self-Determination movement that resulted in the passage of PL 93-638, the Indian Self-Determination and Education Act in 1974. Congress has been instrumental in our community effort to provide culturally relevant, high quality and efficient services for our people. I want to thank the Congress for the support that it has provided to our community over the past 42 years.

The Ramah Navajo people are well aware of the current fiscal constraints in our country and the many difficult decisions that must be made to restore economic prosperity for all Americans.

That being said, the Federal Government, mainly through the BIA and IHS, has an historic, long-standing responsibility for the education, health and protection of natural resources for the Ramah Band of Navajo Indians under Treaty obligation. Long before the current economic downturn, Indian communities such as ours, have struggled to provide basic services for our members. The BIE school system, for example, has long been underfunded and the FY 2014 proposed budget falls far short of remedying this state of affairs. Given the importance of education and health to the future viability of our community, we hope that the Congress will recognize and address the very real funding needs of our community. We face unique challenges of rural isolation, over 70% real unemployment and lack of economic development opportunity, non-Native encroachment and an often hostile relationship with entrenched federal bureaucracies and so depend on the direct federal relationship and receptivity of Congress to continue to provide essential programs and services for the Ramah Band of Navajo Indian people. We respectfully request Congress to favorably consider our three priorities:

Priority One Request: Appropriate and/or instruct the Bureau of Indian Affairs to make available funding from its FI&R or other funds, $2.8 million for major rehabilitation and upgrades to the water infrastructure of the Ramah Navajo School Board facilities. This is a LIFE THREATENING situation and these repairs are urgently needed now. We are in need of funds to address an on-going water crisis we are experiencing: just a few months ago, we experienced a catastrophic water crisis that resulted in loss of water (and as a result, no sewage/waste systems) affecting all RNSB operations and staff housing as well as nearly 1,200 community embers in NHA housing. The water infrastructure was originally built to accommodate the school with some administration buildings. Now it is burdened beyond capacity. The system is old and deteriorating and must be re-habilitated and upgraded. Specifically:

a) Conduct comprehensive hydrology study to assess water availability and water table. This will allow us to utilize our current wells most efficiently and prevent future damage to wells and well pumps.
b) Secure services of engineering firm to conduct comprehesive Preliminary Engineering Report (PER) that will assess current system, identify deficiencies and prepare preliminary scope of work and costs for the RNSB water system.
c) Repair and/or replace well operating control panels.
d) Re-habilitate water treatment plant including upgrading/replacing control systems and installing new filtrations systems.
e) Install flow-meters on wells and treated water outflow.
f) Install shut-off valve on RNSB water system (to all off campus, including to 500,000 gallon storage tank). The shut-off to 500,000 storage tank needs to include an emergency open-gate in case of fire (we require four hours of fire suppression and we get this currently from the 500,000 gallon tank).
g) Install water-tower storage tank @ 500,000 gallons capacity on RNSB campus.
h) Install meters on all RNSB facilities, including all individual housing units, in order to be able to establish rates for billing (required for generating sufficient funding for operations, maintenance and upgrades).
i) Replace water mains throughout staff housing.
j) Initiate rigorous training and certification program for RNSB water operators.

k) Initiate and maintain water testing in compliance with EPA standards and regulations.
l) Install fencing and access/safety limits to water treatment plant
m) Install well-head safety and protection parameters

Priority Two Request: Appropriate $2.1 million for a new DOI BIA/BIE " Comprehensive Early Childhood Education Complex" at Pine Hill Schools. Our early childhood educations programs -- Head Start, Family and Child Education (FACE), Early Intervention, and Day Care -- are currently housed in (what was supposed to be) temporary portable buildings that are scattered aroung the campus and all are in need of repair or renovation. These facilities are aging and do not meet code. We need funding to plan, design and construct a complex to house these crucial programs. Though federal law and regulations for each of these programs vary, consolidating these programs in a single location and developing a special atmosphere addressing the needs of young children, we can accommodate the over 215 children we serve in attractive, efficient and safe facilities that promote healthy development and critical learning.

Priority Three Request: Appropriate $3.63 million for a "Ramah Navajo Community Elder Services Center." There is a great need in our community for a safe, secure center where we can provide comprehensive services to our very vulnerable elders. Our population is aging and it is becoming increasingly "at risk" due to demographic, economic/poverty, societal change and isolation stressors. We need to secure funding to plan, design and contract for rehabilitation/construction of a Ramah Band of Navajo Indians Senior Citizens' Services Center. This project will rehabilitate our current Behavior Health facility (formerly a group home so with full kitchen, common and privacy rooms and a culturally relevant Navajo/Hogan design) located approximate to the Pinehill Health Center to accommodate comprehensive day services for our vulnerable seniors.

Response on Budget Sequestration: The Sequestration is a death sentence, literally for our Elders, for our youth's dreams of success and our improvements and expansions program plans. Our community has been dealing with federal under-funded programs for decades and has struggled to provide much needed services in education, health, law enforcement, child welfare, Elder care and housing to name just a few. We live in an isolated geographic area far from the convenience of urban life with no economic base. Even with limited funding, we depend heavily on federal funds to provide employment for our community. We hardly have any unsubsidized employment. If we lose the base federal contracts in delivering services we would face a 95 to 100 % unemployment rate for our community. **HEALTH CARE ESPECIALLY NEEDS AN EXEMPTION FROM SEQUESTRATION.** "A recent *New York Times* Lead Editorial demanded this."

The efforts of our work in improving our community is in jeopardy due to the federal sequestration, we are reducing our staff size in healthcare that forces us to ration healthcare, education with loss of teachers, social services in providing much needed child and adult protective services, as well as cuts in program operations and delivery of services, and foregoing much needed maintenance and repairs of our infrastructures that have far exceeded their use of life.

With the rescissions and sequestration for the next ten years, our community will suffer more economic hardship. More of our people will leave their homes to seek employment elsewhere disrupting our families and increasing more social issues in domestic violence, abuse, neglect and substance abuse.

We do not want this to happen and implore upon you to protect our community by exempting the Indian Health Services and Bureau of Indian Affairs from sequestration, just as you have done for the Veteran Affairs programs. Our community has many veterans and active-duty young women and men in the military and we ask that you appropriate sufficient resources to meet our Native veteran families and community families.

We thank the Subcommittee for considering our requests. If you have any questions, please contact Bennie Cohoe, Executive Director at (505) 775-4152.

Respectfully Submitted,

David Martinez, Jr., President
Board of Trustees

Beverly J. Coho, Vice President

Ramah Navajo School Board, Inc.
P.O. Box 10
Pine Hill, New Mexico 87357

505-775-3256, E-mail: ExecutiveOffice@rnsb.k12.nm.us.

Mr. SIMPSON. Faye.

THURSDAY, APRIL 25, 2013.

DZITH-NA-O-DITH-HLE COMMUNITY SCHOOL BOARD

WITNESSES

ERVIN CHAVEZ
FAYE BLUEEYES

Mr. CHAVEZ. Mr. Chairman, I will make the initial remarks and then let Ms. Faye BlueEyes continue.

Mr. Chairman, members of the subcommittee, my name is Ervin Chavez, School Board President of Dzith-Na-O-Dith-Hle Community School Board on the Navajo Reservation in Bloomfield, New Mexico. With me is Faye Blue Eyes, Finance Director, who will be presenting our testimony on behalf of the school. We will focus on three areas of concern to our school in the fiscal year 2014 request for BIE.

Our school requests the following, all under BIE category. One is opposing $16 million reduction for Indian School Equalization Formula funds account. Two is $109 million in facilities appropriation and $76 million in facility maintenance. Three is $73 million to fully fund the Tribal Grant Support costs, and Faye will continue that.

Ms. BLUEEYES. Good morning. Our school has been in service since 1968 and we have a K–8 program serving 220 students and 59 students are in the dorm. Our mission is to make a difference in the educational progress of our students, and we believe that all of our students are capable of achieving academic success. However, we have struggled with chronic underfunding of our educational and related programs.

We oppose the $16 million proposed reduction to ISEF funds for a new school program that is called the Turnaround Demonstration Program that would provide funds for BIE-funded schools that are in restructuring status. Based on our experiences, we found these programs do not work at the school level because of the huge paperwork that is imposed on us for these funds, and this takes away teaching time from the students. Then we do not understand why the U.S. Department of Education gets extra funds for their new programs with new monies while our ISEF funds will be reduced to fund this new initiative. We strongly oppose this plan because as we have previously testified, the ISEF funds we currently receive are already pressed. We urge you to recognize that despite our best efforts to stretch each and every dollar, such a drastic reduction in ISEF funding may result in even more schools not being able to provide the quality academic programs and instruction necessary to meet the academic needs of our students.

We urge your funding for facilities maintenance in the amount of $76 million and facilities operation in the amount of $109 million and restore $17 million for new school construction. As we previously testified, our school is unfortunately among the poorest rated facilities. Without a significant increase in facilities maintenance funding, we will not be able to make much progress in ad-

dressing the many health and safety problems at our school. The water lines contain so much sediment in the pipes due to the corrosion that bottled drinking water must be brought in for the students, an additional cost that most other schools do not have. The BIA last estimated the costs for a new school for us would be $19.1 million, yet funding for new school construction has been zeroed out. The $17 million was to be used to correct the deficiencies at the school location but we only saw $441,000 in the budget. What happened to the $16.5 million? Unless the facilities operation and maintenance costs are funded at a realistic level, we will not be able to provide our students and staff a safe and healthy environment. We ask you to support the NCAI recommended $76 million for maintenance and $109 million in facilities operation funding and restore the $17 million for new school construction.

Lastly, we ask funding tribal grant support costs in the amount of $73 million. Tribal grant support costs, formerly known as administrative cost grants, are funds provided to tribally operated schools to cover the administrative or indirect costs associated with the operation of the school. Currently, 125 of the 183 BIE-funded schools are operated by tribes or tribal school boards. In fiscal year 2012, the funding available for tribal support met only 64 percent of the need. For fiscal year 2014, the BIE requests a $2 million increase which they estimate will provide tribal support of 67 percent of need. This is still way below 91 percent contract support costs that will be provided to non-school BIE contractors if Congress provides the full $230 million contract support request. Due to the tremendous shortfall, our schools are struggling financially to make ends meet. We ask that Congress fix the inequity between tribal grant support and contract support cost funding by fully funding us. We urge Congress to provide the levels of education funding that will enable us to provide a quality education in a safe and secure environment for our students. Thank you.

[The statement of Faye BlueEyes follows:]

Ervin Chavez, School Board President
Faye BlueEyes, Director of Finance
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)
Navajo Nation, Bloomfield, NM

CONGRESSIONAL TESTIMONY

Submitted to the United States Congress:

House Appropriations Subcommittee on
Interior, Environment and Related Agencies

Regarding

FY14 Budget Request for the Bureau of Indian Education, Department of the Interior

April 18, 2013

Mr. Chairman and Members of the Subcommittee:

Request Summary: My name is Ervin Chavez, School Board President of the Dzilth-Na-O-Dith-Hle Community School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. With me is Faye BlueEyes, Finance Director, who will be presenting our testimony on behalf of the DCGS School Board. We will focus on three areas of particular concern to our School in the Fiscal Year (FY) 2014 funding requests for the Bureau of Indian Education (BIE). The DCGS requests the following, all under the BIE budget category:

1. Oppose $16 million in reductions to the *Indian School Equalization Program Formula Funds* account.
2. Provide $109 million in *facilities operations* and $76 million in *facilities maintenance* as recommended by the National Congress of American Indians in its Budget Requests.
3. Provide $73 million to fully fund *Tribal Grant Support Costs* as recommended by the National Congress of American Indians in its Budget Requests

Background: DCGS is a tribally controlled grant school is located in Bloomfield, New Mexico, approximately 170 miles northwest of Albuquerque, within the boundaries of the Navajo Indian Reservation. DCGS is primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education. Our school, which has been in continuous service since 1968, operates a K-8 educational program and a dormitory program for students in grades 1-12. Residential students in grades 9-12 attend the local public school. There are 220 students currently enrolled in our academic program, and 59 students are housed in campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. The DCGS mission is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. DCGS, however, has struggled with chronic underfunding of

virtually each and every one of its educational and related programs. We describe below the impacts of the underfunding in several key areas.

I. Oppose the $16 million proposed reduction to Indian School Equalization (ISEP) Formula Funds account. The FY14 budget request proposes a $16 million (or 4.2%) reduction in ISEP formula funds, of which $15 million would be used to fund a new school turnaround demonstration program that would provide grants to an undetermined number of schools for the purpose of helping them to "substantially raise" student achievement. Funding priority would be given to the BIE-funded schools that are in the restructuring category. The DCGS strongly opposes this plan, primarily because, as we have previously testified, the ISEP funds we currently receive are already pressed to offset non-academic costs under the School Operations accounts which are seriously underfunded (i.e., student transportation, maintenance, administrative functions). According to the Indian Affairs budget justification, if ISEP is funded at the request level, the base per pupil amount would drop from an estimated $5,342.34 to $5,162.

We urge you to recognize that despite our best efforts to stretch each and every dollar, such a drastic reduction in ISEP funding may result in even more schools not being able to provide the quality academic programs and instruction necessary to meet the adequate yearly progress requirements.

II. Funding for Facilities Maintenance in the amount of $76 million and Facilities Operations in the amount of $109.8 million. *Facilities Maintenance* funds are intended to provide for the preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. As we previously testified, our school is, unfortunately, among the poorest-rated facilities (FCI of 0.4001). Without a significant increase in facilities maintenance funding, there is little doubt we will not be able to make much progress in addressing the myriad health and safety problems at DCGS, which include the closure of the *restrooms* servicing our junior high classrooms due to leaking sewer lines and corroded water lines. The water lines contain so much sediment due to the corrosion that drinking water must be trucked in for the students (an additional cost that most public schools do not face).

The BIE last estimated that $7.7 million would be needed to fix all that is on the DCGS deferred maintenance backlog, and the replacement cost would be $19.1 million. Yet the BIE FY14 request of $51.1 million for facilities maintenance is nearly level funding again. Thus, funding will be insufficient to reduce the maintenance backlog of DCGS or that of any other BIE-funded school.

The BIE's FY14 request of $58.7 million (level funding) for *Facilities Operations* is for the ongoing operational expenses like electricity, heating fuels, communications, ground maintenance, refuse collection, water and sewer service, etc. Considering that the facilities operation expenses are currently funded at approximately *46% of need* and that the costs of these essential services continue to escalate, we believe FY14 request is grossly inadequate.

Unless the facilities operations and maintenance costs are funded at a realistic level in order that we can properly maintain and take preventive action, we will continue to be unable to

provide our students staff a safe and healthy environment. We urge you to support the NCAI-recommended $76 million for facilities maintenance and $109 million in facilities operation funding.

III. Funding for Tribal Grant Support Costs in the Amount of $73 million. Tribal Grant Support Costs (TGSC), formerly known as Administrative Costs Grants, are funds provided to tribally-operated schools to cover the administrative or indirect costs associated with the operation of a school. These costs include payroll, accounting, insuranee, background checks, and other legal, reporting and record-keeping requirements, including the preparation of required annual audits. Currently, 125 of the 183 BIE funded schools are operated by tribes or tribal school boards, with another three BIE-operated schools considering converting to grant status in FY14.

In FY12, the funding available for TGSC met only 64% of the need of the schools, which means that at 100% of TGSC need, *DCGS should have received nearly $700,000; instead, we received only $445,000.* For FY14, the BIE requests a $2 million increase for a total of $48.2 million, which they estimate will provide a TGSC rate of 67% of need. This is still far below the 91% contract support costs that will be provided to non-school BIA contractors if Congress provides the full $230 million CSC request. In addition, there is not a separate start-up fund for newly converting schools (although there may be an additional three conversions in FY14) but for the BIA contractors, $1 million is requested for the Indian Self Determination Fund, which provides start up costs and CSC for the initial year of contract or compact.

Due to the tremendous shortfall, the DCGS has had to consolidate internal controls, streamline checks and balances, and significantly scale back in our management staff. Now, our business office has only two fulltime staff to handle all the DCGS business-related functions, such as processing payroll for 90 on a bi-weekly basis; completing all the accounting; completing all tax reporting requirements; processing account payables-requisitions-purchase orders, and ensure conformance with all audit requirements.

We urge that Congress fix the inequity between TGSC and CSC funding by fully funding TGSC at $73 million for the indirect cost requirements of current tribally-controlled schools, and provide $2 million in start-up funds for newly converting schools.

Conclusion

We ask Congress to provide the levels of education funding that will enable us to provide a quality education in a safe and secure environment for our students. We are grateful for any assistance you can provide.

Respectfully submitted,

Faye Blue Eyes, Finance Director,
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Mr. SIMPSON. Thank you. Betty.

Ms. MCCOLLUM. I just thank you all for your testimony, and I think we heard yesterday, Mr. Chair, loud and clear that this idea that the Department of Education came up with without consulting the tribes is, I know Tom said it was a no-go for him, it is for me, and I think the more the Committee hears this, the more likely we are to speak back to the Administration sharing your concerns.

Mr. SIMPSON. Thank you all for being here today and for your testimony. I appreciate it very much.

Our next panel is Ben Shelly, Leroy Shingoitewa, Walter Phelps. Ben is first.

THURSDAY, APRIL 25, 2013.

NAVAJO NATION

WITNESS

BEN SHELLY

Mr. SHELLY. So I get to be the first one. I would like to say good morning to everybody here. My testimony this morning will focus on two major items. First, tribal funding is a sacred trust, responsibility and legal and moral obligation that should not be subject to sequester. Second, limited economic development has made us rely solely on federal government and is due in large part to federal burden of tribal development. You heard that all morning.

The Navajo Nation relies heavily on federal funding program. Approximately two-third of our budget comes from federal source through a grant program and 93638 contract. Budget cut means hardship. Tribal budget becomes the worst kind of collateral damage. Tribal leaders understand the economic problems of our country but solving our Nation's budget problem with shotgun cut is not good policy.

We ask you to fulfill the treaty obligation and trust responsibility and look to you to help us develop our economic and invest in our infrastructure so we are not at the mercy of the federal government. There are several ways to do this in budget and legislative process.

First, the federal government gets rid of the burden that delays economic development. Our current unemployment rate is 55 percent. Per capita of our members' income is approximately $7,200. Regulatory burden obstructs development and discourages private investment. Developing on trust land is as difficult as developing in a national park. We are not a national park. We need you to act to change this.

Second, basic health care services are critical in our remote area. For most of our citizen, IHS is the only health care facility option. We ask the funding for IHS not to be allocated in a way that short-change facility construction and direct service.

Third, sustainable economic development requires a highly educated workforce. The Navajo Nation awards scholarship to over 3,500 students. Some of these comes from BIA higher education grant program. The money is often delayed due to continuing resolution. We go through that a lot. To fix this problem, Congress

needs to fund this line item. Other educational programs are operated this way.

Fourth, the lack of fully funded federal contract under 93638 means we are subsidizing the federal government. In the recent Ramah and Salazar case, the Supreme Court ruled that the federal fully funded must be appropriated, not taken from other tribal program.

Finally, we need to safeguard our tribal laws and law-and-order system. Having a well-funded judicial branch and public safety department means that we as tribe are guaranteed security of residents and visitors as well as attract opportunity and investment. Our tribal court on the Navajo Nation are considered a benchmark of tribal court system. We cannot continue to operate and implement critical piece of federal law such as tribal laws and order without full support and funding. Additionally, the chairman of the Navajo Hopi Land Commission will go into greater detail regarding the former Bennett Freeze area issue but I want to stress to the committee the importance of addressing that ongoing hardship created by the federal government, created by the federal government on the Navajo Nation. Right now, thousands of Navajo are living lives of unbelievable hardship because of federal action.

In conclusion, tribes have underfunded for decades and these are not entitlement, they are payment for land given up to the United States. The Navajo Nation is doing its part investing in infrastructure and creating partnership across nationally, locally and in private sectors. We need the federal government to do its part. We have a job to do: deficit of the Nation, the United States as a whole. But, you know, the Navajo Nation wants more energy independence. We want to create jobs, we want to create revenue for our Nation. Give us that. What is the way to do it? The way to do it is lift some of those red tape. The federal government has been sitting on us for decades. We have not got up yet to be more independent. We are asking the federal government to remove those. Direct funding is one way of doing it. That creates jobs on the reservation. The 55 percent that are unemployed will take care of that. The revenue that we need for our Nation, we can bring general fund in to make money. We have abundant natural resources—sun, wind. We have all of those to make it happen. So help us with that. The job creation, revenue for our Nation is there for us. All we need is some help from the federal government. Thank you.

[The statement of Ben Shelly follows:]

THE NAVAJO NATION

BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

Navajo Nation President Ben Shelly
Testimony Before the House Interior Appropriations Subcommittee
April 25, 2013

I. Introduction

Good morning, members of the Committee. I sit before you today, as I did last year, surrounded by other tribal leaders, asking for federal funds to maintain the basic services that mean the difference between life and death, employment and poverty. Each year we sit here, and each year we walk away with barely enough to survive. This is not what our ancestors believed when they signed the treaty of 1868, and certainly not what we believe is the solemn trust responsibility that exists between the federal government and tribal nations.

My testimony this morning will focus on two major topics. First, tribal funding is a sacred trust responsibility, and a legal and moral obligation that should not be subject to political whims such as sequestration. Any reductions in overall funding must be subject to meaningful tribal consultation before cuts are implemented. The current method of federal program funding forces tribes to attempt to plan for the unknown resulting in an inability to plan for the financial future. Second, tribal reliance on federal funds should not be the norm. Federal funds and the full funding of treaty and trust responsibilities should be supplemental to vibrant self-sustained tribal economies. The complete reliance on federal funds is a function of our lack of economic development, which is largely the fault of the federal government. The regulatory approval and permit requirements to develop a sustainable economy on tribal land are so burdensome that it is completely prohibitive. In summary, the federal government places hurdles on tribal economies that make sustainable economic development impossible, thus forcing us to depend solely on federal funding. The federal government now says that it cannot afford to provide us with the funds that they have forced us into a position to need, and that those funds will be taken away without even the most basic forms of consultation. It is grossly unfair and immoral for the federal government to force tribes into the vice of economic desperation, and to then repeatedly turn the screw. It is my hope that I won't have to be here next year; that the federal government will do what's right and get out of our way so we can develop our own economies.

II. Tribes Should be Held Harmless from Federal Budget Cuts

Several times a year, myself and other tribal leaders sit down with the Bureau of Indian Affairs to map out what our funding priorities are for the upcoming year. While the end result is never as much as our people need, at least we engage in a meaningful consultation that outlines what we think is important. The sequester circumvents this consultation process and undermines the Native American treaties ratified by Congress. The indiscriminate cuts that the sequester, and other budget reductions, force on tribes guts the ability of the federal government to live up to its trust responsibility. We as tribal leaders are not blind to the economic situation of our country, and understand that only together can we face our problems. However, solving our budgetary issues on the backs of the neediest of citizens is both unfair and cruel.

What the Navajo Nation finds hard to comprehend is the capricious nature of some of the proposed cuts contained within President Obama's Budget Request. For example, once again

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BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

this year, the President's budget has zeroed out funds distributed to certified states and tribes under the Abandoned Mines and Lands program under the Surface Mining and Reclamation Act. These funds are royalties taken from Navajo coal that are made available to help communities affected by coal and uranium mining. Once certain priority issues have been addressed, a tribe is certified and can use the funds for other clean up and community activities. This action takes away the ability of the Navajo Nation to continue to address these issues for miniscule cost savings to the federal budget.

Also, contained within the federal budget, are cuts to the Housing Improvement Program that provides housing to the most vulnerable populations in Indian Country. Perhaps most troubling is the continued inadequate funding of contract support costs that I will discuss in further detail.

III. The Federal Government should Foster Sustainable Tribal Economies

The federal government should be working to empower us with the foundations that will allow us to thrive, instead of hindering our development and reducing our access to funds. There are three ways that the federal government could aid the Navajo Nation.

First, the federal government could alleviate the burdens of regulation that hinder economic development. The Navajo Nation has long struggled to develop a sustainable economy. Our current unemployment rate is 55%, not including the thousands who have simply given up trying to find employment. Per capita income is approximately $7,200. The biggest block to economic development is a lack of infrastructure. We desperately need roads, bridges, power transmission lines, and potable water. We also need relief from the burdens of EPA regulations that stifle our ability to develop our economy. Economic development requires a mix of infrastructure, education, and investment incentives. Our population is young, energetic and intelligent, but lack the education and critical job skills. We need educational investments to ensure that they have the skills to obtain the jobs they seek. Further, we need to incentivize private investment on Navajo land through tax credits and offsets that encourage private industry to invest where the government cannot.

Second, infrastructure and economic development go hand in hand with health care facilities construction. Basic health care services are critical in our remote and populated area. Funding for these long-term construction projects presents opportunities for job creation and provides much needed infrastructure. The Navajo Nation has five projects on the existing priority list that exceed, in total, one billion dollars. Funding shortfalls will delay the building of these needed projects. The Navajo Nation has a large hospital facility, Gallup Indian Medical Center, cited by the U.S. Commission on Civil Rights as an "utter disaster," that requires $600 million to rehabilitate. Other hospitals and clinics such as Winslow-Dilkon, Kayenta, Pueblo Pintado, and Bodaway-Gap need an additional $500 million for construction. While we applaud the Administration's robust IHS request we do ask that funding for IHS not be allocated in a way that short changes facilities construction. Adding additional monies to repair and maintenance line items is neither sustainable, nor cost effective. New facilities are needed not band aids for irreparable buildings, many of which were built over 50 years ago from materials not able to withstand the test of time.

Third, a sustainable economy requires a highly educated work force. While increasing numbers of Navajos are attending college, delays in scholarship funding can hinder their

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progress. The Navajo Nation awards millions of dollars in scholarships annually from a combination of sources to over 3,000 undergraduate and approximately 500 graduate students. A significant portion of this amount comes from the BIA Higher Education Grant Program (Program). The distribution of Program funds has often been delayed in recent years due to the frequent use of continuing resolutions to fund government operations. This leads to delays in scholarship payments and institutional disbursements. Students pursuing higher education may arrive on campus with little or no money, uncertain if they will be able to pay for books, tuition, and housing. To fix this problem, the Program, authorized under the Snyder Act, should be forward funded. Forward funding insulates Program funds from delays in the appropriations process, thereby eliminating the uncertainty and inability to plan that results from delayed funding disbursement.

A number of national Indian education stakeholders have endorsed the idea of forward funding Snyder Act authorized tribal scholarship programs, and it is my understanding that Sen. Tom Udall may introduce a bill soon with authorization language included in it. For the good of Native American students everywhere, seeking only to pursue their higher education goals, we encourage you to support this proposal as well.

Fourth, the lack of fully funded federal contracts under P.L. 93-638 means tribes must dedicate more of their own funds to take on the responsibilities of the federal government. It is my understanding that the administration's budget proposes to consult with tribes on how to best fund contract support. In the recent *Ramah v. Salazar* case the Supreme Court ruled that the federal government must fully fund contract support costs. There is no need to examine what that means exactly. It is clear that full funding must be appropriated and available, and most importantly, not taken from other tribal programs.

Finally, I would like to underscore the importance strong tribal law and order systems to protect citizens and encourage faith in the fairness of our tribal courts. The Navajo Nation advocates strongly for sufficient funding for tribal courts. Having a balanced and well-funded judicial branch ensures that we as tribes can ensure the safety of residents and visitors, as well as attract opportunity and investment. Our tribal courts on the Navajo Nation are considered the benchmark and a shining example of tribal court systems. They cannot continue to operate and implement critical pieces of federal law such at the Tribal Law and Order Act without full support and funding.

V. The Federal Government Needs to Address the Former Bennett Freeze Area

I would like to take this opportunity to address an ongoing sore created by the Federal government on the Navajo Nation. While my colleague Council Delegate Walter Phelps, who serves as the Chair of the Navajo Hopi Land Commission, will go into greater detail on this issue, I want to stress to the committee the importance of this issue to the Navajo Nation. Right now thousands of Navajo's are living lives of unbelievable hardship and poverty because of actions taken by the federal government. The Former Bennett Freeze Area (FBFA) covers over 1.5 million acres; approximately the size of the state of Delaware. The most conservative projections indicate that the population of this area will double in the next ten years. Substantial improvements in housing, economic development, infrastructure, health care, and education will be required to both correct the impact of the Freeze and meet the needs of the returning and expanding population.

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In 1966, the federal government issued an administrative order imposing a construction freeze on the Navajo Nation reservation west of the 1882 Reservation until the land dispute between the Navajo and Hopi could be resolved. Under the terms of the Bennett Freeze no construction or development could occur on Navajo Reservation lands in this area without the prior consent of the Hopi Tribe.

In 1992, the federal court awarded the Hopis 64,000 acres out of the 7 million acres of the 1934 Navajo reservation, and lifted the Freeze. The Freeze was re-imposed by the Ninth Circuit Court on appeal. The Freeze continued for the remaining land, inhabited mostly by Navajos, until December 2006 when the tribes dismissed the litigation, lifted the Freeze, and allowed continued Hopi access to religious sites in the 1934 Reservation.

The effect of the Freeze on the Navajo residents of the FBFA has been devastating. It has resulted in substandard housing, virtually no infrastructure, no access public services, one of the highest poverty rates in the country, and forced many Navajos from their ancestral lands. During the time it was in effect, the Freeze all but stopped development and contributed to poor living conditions for many residents who chose to stay in their homes. Many other Navajos were forced to leave their ancestral homes to seek work and a new life outside of the Four Sacred Mountains.

Most FBFA residents live without electricity, plumbing, or clean drinking water; the basic essentials for the quality of life that most Americans take for granted. A third of all FBFA residents are forced to use contaminated wells for access to drinking water. Large-scale water projects, including line extensions, are desperately needed for the area and for its future development.

Many residents have had little or no access to emergency medical treatment, fire service, or nearby retail, commercial, or social services. While the rest of the country experienced opportunities from economic development, during the forty plus years of the Freeze, development in the FBFA stalled or was abandoned.

Those who could not live without such necessary services, especially young people and those with young families, were forced to make the difficult decision to leave their communities for job opportunities and better living conditions elsewhere. Out-migration has exacted a heavy social cost on families and communities.

Of the homes currently in the area 61% are in very poor to poor condition, and 87% do not have electricity! Navajo families in the FBFA need 2,402 homes at a cost of $160,376 per home. The Navajo Nation is requesting $25 million per year for 16 years to rectify the harm caused by the federal government, and to once and for all close the chapter on this atrocity.

VI. Conclusion

The federal government has a treaty responsibility to both protect and assist tribes in protecting their land and resources, and to develop a sustainable permanent homeland. While I understand that the federal government needs to address its fiscal situation, tribal programs have been underfunded for decades. It is fundamentally unfair that as federal funding has finally begun to catch up to the need, we are now facing dramatic cuts. We continue to lag behind the greater economic prosperity of the rest of the United States. Instead of cutting funding, the federal government should maintain funding for tribal programs, and take the opportunity to assist tribes in developing their economies.

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Mr. SIMPSON. Thank you. Leroy.

THURSDAY, APRIL 25, 2013.

HOPI TRIBE

WITNESS

LEROY SHINGOITEWA

Mr. SHINGOITEWA. Thank you. My name is Chairman Leroy Shingoitewa of the Hopi Tribe. Good to see you again, Chairman Simpson.

Mr. SIMPSON. Say that again.

Mr. SHINGOITEWA. Leroy Shingoitewa. It is a Polish name so it is really easy to pronounce. And to Ranking Member McCollum, it is an honor to be here today, and the rest of the Committee.

Today I would like to discuss two of our top priorities: law enforcement and the education. With regards to law enforcement, I will discuss our request for increased funding for the Department of Justice and the Bureau of Indian Affairs funding and the tribal detention centers and implementation of the Tribal Law and Order Act, our own Hopi code and the Violence Against Women Act. We also have two requests to increase funding for education. First we will discuss the ongoing need for funding for BIE schools, tribal schools. We will also describe the difficulties for BIA schools that they will face because of the sequester.

In regards to law and order, the Hopi Tribe consists of 1.5 million acres and 13,000 enrolled citizens. Hopi is a direct service tribe. We do not receive any gaming profits of any kind and yet we are experiencing a public safety crisis on our reservations because of our justice system is not working properly. This is not only for the Hopi Tribe but I also speak on behalf of other tribes throughout the United States. The Hopi Detention Center is the root cause of part of this crisis on the Hopi reservation. The Hopi Detention Center is a BIA-owned facility and it serves our communities of 12 villages. Until 2004, the facility used to allow both juvenile and adult detainees to be in that center, and this caused a problem because in 2004 the center prohibited the housing of both juvenile and adult detainees, and when the Hopi authorities arrested a Hopi juvenile, the choice was to take them to Holbrook, Arizona, which is an hour and a half away, or for more serious, to take them into Colorado and New Mexico for housing. And this caused a problem for many of our law enforcement because of the amount of people we have available for transport. And additionally, the detention center continues to house adult offenders and it is rated for a capacity of 68 prisoners. We have on many occasions gone as high as 100 prisoners because we have no other place to put these offenders. The overcrowding results in inmates being released before their sentences are completed, and this is to also try to house the most dangerous felons that we have that are charged to stay within our facilities. The sequester is going to make it worse. We have also been informed that in 2014, the Hopi facility will be required to house prisoners from off the Hopi reservation. Although the BIA has responsibility for providing law enforcement services on the

Hopi Indian reservation, the Hopi Tribe is proactively seeking funds to build a new detention center.

We have developed a conceptual design for the new Hopi Justice Center and are doing what we can to find funding for this facility but we strongly believe that the federal government should be our partner in this effort, and Chairman McCollum, you recall that we had a discussion of this earlier asking you to come visit with us, and we extend that invitation again. So we are asking this subcommittee to direct the Bureau of Indian Affairs to conduct an assessment of the Hopi Detention Center and make recommendations to this Committee regarding whether it needs to be replaced.

The Tribal Law and Order Act, the Hopi Code, the Violence Against Women Act and their enforcement—the Tribal Law and Order Act of 2010 was a huge step forward for Indian Country, providing the tribes to exercise expanded authority to prosecute crimes on their reservations. Although there was no federal funds available to implement the provisions of the Tribal Law and Order Act, the Hopi Tribe knew that it needed to exercise the expanded authority granted by the TLOA and we became one of the first tribes in the country to implement this Act. We are also currently in the process of making the necessary adjustments to our Hopi Code to provide the exercise of expanded authority granted by the Violence Against Women Act reauthorization, which was signed on March 7 of this year. We did this without promise of any funds or assistance from the federal government but the exercise of this authority cost a great deal of money. We are requesting of this Committee that they make increased funding available to tribes for programs that are enhanced using this expanded prosecution and sensing authority authorized by the Tribal Law and Order Act of 2010 and the Violence Against Women Act and Reauthorization Act of 2013.

The education issues that I mentioned, the most critical issue facing the Hopi people is the need for a stable educational system, both stable and reliable education facilities. The Hopi Day School and the Hotevilla Bacavi Community School must be replaced to ensure the safety of our students. These two schools currently serve students from four Hopi villages. In 2006, the Bureau of Indian Education facilities management issued a determination that both school buildings were in poor condition. The BIE stated that the school buildings were deemed unsafe and did not and could not meet current building codes. To date, nothing has been done in regards to these facilities.

Now we are faced with a new educational crisis. The BIE recently informed us that the impending proposed cuts of approximately a million dollars to Hopi education to four schools on the Hopi reservation: Hopi Day School, Hotevilla Bacavi Community School, Winitapi Day School and the Hopi Junior-Senior High School. It has been indicated that the high school and junior high school alone will lose $500,000. This is a lot of money to our Hopi tribal education program. I am an educator by trade, and when I heard this, I knew one of the first things that is going to happen is our teaching salaries will be depleted, and now we have to make adjustments.

To the Committee, this is to inform you that the Hopi schools have always made AYP over the last 6, 7 years, and this means

they made the average yearly progress, which was required of us in our state and by federal government. We cannot—our system cannot sustain this type of cuts. These budget cuts will severely affect the quality of education and teacher retention at all four schools. We are requesting that the BIA be directed to replace the Hopi Day School, the Hotevilla Bacavi Community School and that funds be made available for their construction. Additionally, we are seeking restoration of funding for our schools operating on the Hopi reservation that BIE has cut.

You know, the Hopi tribe faces many challenges today. We value our communities, our history, our beliefs and our traditional values, and we strive to provide the best for our people, but we are not afraid of hard work and we are not afraid to go forward and try to find ways of improving our communities and our systems and our tribal government. We are willing to invest everything we can to meet these needs but we need your help from the federal government.

There is one other thing that I want to bring up. I know that there is testimony going to come a little later but for the record I would like to also indicate that the Hopi Tribe has learned that there will be a request for the continued funding of the Hopi Navajo Relocation Office in Flagstaff, Arizona. The Hopi Tribe at this time supports Senator McCain's efforts to close that office. For one, we believe that all the things that have taken place out of that office should have been completed, should have been done, and therefore the office is no longer needed.

I would like to thank all of you for the opportunity to testify before you today, and if there any other questions I will be glad to answer them. Thank you.

[The statement of Leroy Shingoitewa follows:]

TESTIMONY OF LEROY SHINGOITEWA
CHAIRMAN
THE HOPI TRIBE

TESTIMONY
BEFORE THE
HOUSE INTERIOR APPROPRIATIONS COMMITTEE

APRIL 25, 2013

Good morning, Chairman Simpson, Ranking Member McCollum and members of the Committee. Thank you for the opportunity to testify regarding several issues of the highest priority for the Hopi Tribe. Today I'd like to talk to you about funding for two of our top priorities, education and law enforcement. In particular regard to law enforcement issues, we'd like to discuss our request for increased funding levels for Department of Justice and Bureau of Indian Affairs funding for implementation of the Tribal Law and Order Act, our own Hopi Code and Violence Against Women Act, as well as our challenges with law enforcement on the Hopi Reservation.

LAW ENFORCEMENT CHALLENGES ON THE HOPI RESERVATION

The Hopi Reservation consists of over 1.5 million acres in northeastern Arizona. Our reservation is unique because it is completely landlocked within another Indian reservation, the Navajo Reservation. The Hopi Tribe is made up of over 13,000 enrolled citizens. Hopi is a direct service tribe and does not operate gaming.

A public safety crisis exists on the Hopi Reservation, because our Hopi Justice system is broken.

The root of our problems is the insufficient space to house inmates at the Hopi Detention Center. This affects every aspect of our justice system and taxes all of our resources, resulting in a never-ending cycle of shuffling detainees in and out of the system.

The Hopi Tribal Council realizes that real change must start within, and is taking every action possible to improve this situation. We have embraced the Tribal Law and Order Act by enacting the Hopi Code. We will also change our tribal law so that we can enforce the new provisions of the Violence Against Women Act.

But we cannot do this alone. We need your help to ensure that federal programs are fully-funded to support tribal efforts.

THE HOPI DETENTION CENTER

The Hopi Detention Center is the BIA-owned detention center that serves our community. Prior to 2004, our facility housed both minors and adults. In that year, the Bureau of Indian Affairs, Office of Inspector General issued the report entitled "Neither Safe Nor Secure: An assessment

of Indian Country Detention Facilities". The report stated in its background section, "Early in our assessment, it became abundantly clear that some of the facilities we visited were egregiously unsafe, unsanitary and a hazard to both inmates and staff alike."

The Hopi Detention Center was prohibited from housing minors in the facility as a result of the 2004 report. Since 2004, when the Hopi authorities arrests a juvenile, the youth must be transported to a facility in Holbrook, AZ, *over an hour and half drive away from the reservation.* More serious juvenile offender must be taken to Colorado or New Mexico, even further drive. This takes officers off the streets and detention center personnel away from the detention facility, which is already understaffed. It forces officers to hold juveniles in their squad cars until they transport them to an acceptable facility.

The Hopi Detention Center continues to house adult offenders and is rated for a capacity of 68 prisoners. It always exceeds that limit, and regularly holds more than 100 inmates. Because the space is always overcrowded, inmates are constantly released before their sentences are up to make way for new inmates just starting their sentences or for dangerous inmates who cannot be released because they are a danger to the community.

This lack of sufficient detention space heavily burdens our criminal justice system. The overcrowding means that our police do not arrest criminal offenders because they simply do not have the space to hold them.

On top of this, we have been informed that the Hopi Facility will be required to accept prisoners from outside of the Hopi Reservation beginning in FY 2014, during what the BIA Office of Law Enforcement Services is terming "Phase II" of the Sequestration. The idea that we could accept even more inmates from outside the reservation is ludicrous.

Even though the BIA has responsibility for providing law enforcement services on the Hopi Indian Reservation, they have not taken any action to correct the deficiencies at the Hopi Detention Center. As a result, the Hopi Tribe is proactively seeking funding to build a new detention center which meets current health and safety standards, and which is capable of serving both adults and juveniles.

The Hopi Tribe has developed a conceptual design, model for the proposed Hopi Justice Center with the estimated costs of $34,933,339. We are doing what we can to find funding for this facility from numerous sources, and have applied for grants to assist in the development and construction of a new facility. We are also seeking to partner with the U.S. Government pursuant to the Tribal Law and Order Act to develop a Comprehensive Community Justice Plan (CCJP) to govern the development and operation of a new detention facility. We strongly believe the federal government should be our partner in this endeavor.

We are asking this subcommittee to: 1. increase (or at the very least hold level) the funding of tribal law enforcement services; 2. direct the Bureau of Indian Affairs to conduct an assessment of the Hopi Detention Center and make a recommendation to this Committee regarding whether it needs to be replaced.

THE TRIBAL LAW AND ORDER ACT, THE HOPI CODE, THE VIOLENCE AGAINST WOMEN ACT AND THEIR ENFORCEMENT

The Tribal Law and Order Act of 2010 ("TLOA") was a huge step forward for Indian Country, providing for tribes to exercise expanded authority to prosecute crimes on their reservations, particularly with regard to expanded sentencing authority for crimes prosecuted by the tribe in tribal court. Additionally, it expanded the authority of tribal police officers to make arrests for all crimes committed on the reservation.

As mandated by the TLOA, the United States Attorney's Office of the District of Arizona established the Special Assistant U.S. Attorney Program ("SAUSA"). Our Chief Prosecutor, Jill Engel, is cross designated as a SAUSA, allowing her to initiate federal criminal charges in the United States District Court when she encounters cases on Hopi that in her judgment are better addressed by federal prosecution. This is a beneficial step in finding justice for victims on Hopi, but there are cases which are declined for federal prosecution or are better served in tribal court under the enhanced sentencing of the Tribal Law and Order Act.

To take advantage of expanded authorities of the TLOA, a tribe must guarantee the constitutional rights of accused offenders, including the right to counsel for indigent defendants.

Although there were no federal funds available to implement the provisions of the Tribal Law and Order Act, particularly with regard to provision of counsel, the Hopi Tribe felt strongly that it needed to exercise the expanded authority granted by TLOA.

We began working quickly to amend our law and order code, the Hopi Code, to provide the framework for exercising this expanded authority and adopted these changes on August 28, 2012. They became effective thirty days later. We were the first tribe in the United States to change our laws so that we could exercise the authority provided by the Tribal Law and Order Act.

Additionally, Hopi Tribe is currently in the process of making the necessary adjustments to the Hopi Code to provide for the exercise of the expanded authority granted by the Violence Against Women Act Reauthorization, which was signed into law on March 7 of this year.

We did this without any promise of assistance from the federal government because it is so important to us to guarantee the safety of our people. Even though we are a poor tribe, without many resources, we feel this is our top priority. We determined that we must sacrifice to pay to protect our villages and tribal members for these expanded authorities, even if federal assistance wasn't readily available.

Still, the exercise of this authority costs a great deal of money, and we are recommending and requesting that the committee increase the funding available to tribes for programs that are enhanced using the expanded prosecution and sentencing authority authorized by the Tribal Law and Order Act and the Violence Against Women Act Reauthorization of 2013.

EDUCATION ISSUES

One other of the most critical issues facing the Hopi people is the need for a stable educational system, including both stable and reliable educational facilities.

The construction of a consolidated Third Mesa elementary school to replace the Hopi Day School and Hotevilla/Bacavi Community School is absolutely necessary to ensure the safety of our students. These two schools currently serve students from four Hopi Villages.

In 2006, the Bureau of Indian Education Facilities Management (BIE) issued a determination that both school buildings were in poor condition. The BIE stated the school buildings were deemed unsafe and did not and could not meet current building codes.

Based on the BIE report, the Tribal Council passed Resolution No. H-090-2006 which supported the replacement of the Hopi Day School and the Hotevilla-Bacavi Community School facilities with a new school complex for the Third Mesa area.

In 2009, Representative Trent Franks introduced legislation, H.R. 1122, which would have directed the Secretary of the Interior to construct a new school at Third Mesa. The proposed legislation never made it out of the House Subcommittee on Early Childhood, Elementary, and Secondary Education.

Now at Hopi, we are faced with a new educational crisis. The BIE has recently informed us that they are implementing proposed cuts of approximately $1,000,000.00, to four schools on the Hopi Reservation; Hopi Day School, Hotevilla-Bacavi Community School, Moencopi Day School and Hopi Jr./Sr. High School. The Hopi Jr./Sr. High School alone will suffer an approximate cut of $500,000.00. Our education system cannot sustain these cuts. These budget cuts will severely affect the quality of education and teacher retention at all four schools.

We are requesting that BIA be directed to replace the Hopi Day School and the Hotevilla-Bacavi Community School and those funds be made available for their construction. Additionally, we are seeking restoration of funding for our schools operating on the Hopi reservation that BIE has cut.

CONCLUSION

The Hopi Tribe faces so many challenges. Although we are not a wealthy tribe, we value our community, its history and traditional values. We strive to provide for our people and are not afraid of he hard work ahead of us.

We know what our needs are and will invest everything we have to meet those needs. But we need your help, and the increased resources you can provide to help us improve our tribal justice system and to replace our dilapidated schools will directly and substantially improve the everyday life of our citizens.

Thank you for this opportunity to testify today. I would be happy to answer any questions you have, or provide additional documentation if you need it.

Mr. SIMPSON. Thank you. Walter.

THURSDAY, APRIL 25, 2013.

NAVAJO HOPI LAND COMMISSION

WITNESS

WALTER PHELPS

Mr. PHELPS. Chairman Simpson, Honorable Ranking Member McCollum, good morning. My name is Walter Phelps. It is a great honor to come before you today and to speak with you about what is perhaps one of the most difficult chapters of the Navajo Nation's federal tribal relations.

As a member of the 22nd Navajo Nation Council, I serve as chairman of the Navajo Hopi Land Commission. This commission serves to address matters pertaining to the Navajo Hopi Settlement Act of 1974 that mandated the relocation of more than 10,000 Navajos and addition the former Bennett Freeze, a federally imposed construction and community development restriction in western Navajo area for over 40 years.

Although the legal disputes in both situations are for the most part resolved and behind us, there still remains a large and ongoing toll on Navajo families affected by these experiences. Despite the suffering and hardships stemming from the relocation law and the lengthy, drawn-out construction freeze, I would like to focus my comments on an instance where I have personally witnessed hope, resilience and perseverance.

Three summers ago, while I was campaigning for my current office, I met a disabled single parent and her three children. This Navajo woman and her children were living in a severely deteriorated shack. The roof had caved in, and the only thing that kept it from completely collapsing was a skinny pole in the middle of the room. Her dwelling was not a house; it was literally a shack. It had no insulation, a couple openings that resembled windows, dirt floor, a wood stove for cooking and heating, and a blanket over the entryway. We also learned that a school bus came to this home so that the children at least were attending school. Still, the situation was very depression, and the mother had pretty much resigned herself to her plight. Upon learning about the condition of the family's home, my supporters were so moved that they committed to solicit donations and build her a small-frame house. Within a span of 4 months, the team raised funds, solicited material donations and volunteered labor enough to build her a 16 feet by 20 feet one-room house with a foundation and a concrete floor. You might wonder why more could not have been done for this family, perhaps so, but something uniquely positive did happen to this Navajo woman. A mother who was once despondent and deprived of pride and dignity all of a sudden saw that miracles do happen. She somehow realized that she was not alone and she could take control of her life, the future could be brighter for herself and for her family.

Within the months that followed, this woman took financial risk, began to make sacrifices which enabled her to build additions to her new home so that today she now lives in a house twice the size

that we initially built for her. Let us be reminded that under the Bennett Freeze, this would have been both impossible and illegal. However, today there is a solution for communities and families of Western Navajo Agency but we must strive together to plant the seeds of hope that make the difference.

I therefore urge the subcommittee to allocate $20 million into the BIA Housing Improving program funding for much-needed housing and related improvements within the former Bennett Freeze area. In addition, we also ask the subcommittee to support legislation that would help us attract private sector development, streamline federal regulations while providing cost-saving measures.

Over the past several years, Congress has funded the Office of Navajo Hopi Indian Relocation in the neighborhood of $8 million per year. Although it is apparent that the purpose and role of the ONHIR appears to be nearing completion with an estimated number of approximately 200 families remaining eligible for benefits, at an average of 16 hours per year, this may take another 20 years before every eligible Navajo receives the promised relocation benefit. As such, we propose that the subcommittee consider a cost-saving measure by an immediate allocation of $18 million to expedite the relocation benefits for the remaining eligible Navajo families as opposed to spreading the benefits over the next 20 years.

We also ask the subcommittee to request for a GAO analysis to help us better understand whether there are any improvements in efficiencies that could be made with the relocation program. Also, we would like to follow up with you about seeking this Committee's support in coordination with the Office of Management and Budget for a commitment that funding will not be compromised if ONHIR were to be folded into the BIA in the future.

Finally, Mr. Chairman, I know what you were planning to visit Navajo Nation this past summer. Although these plans fell through, we would certainly welcome coordinating another trip for you and any of your members to begin laying the groundwork for future much-needed hearings pertaining to the relocation and the former Bennett Freeze.

Thank you for the opportunity for this testimony.

[The statement of Walter Phelps follows:]

Walter Phelps, Chairman
Navajo-Hopi Land Commission of the Navajo Nation Council
Written Testimony Before the
House Interior Appropriations Subcommittee
Thursday, April 25, 2013

Requests:

- **Create Incentives for Private Sector Investment.** Support incentives to encourage private sector investment in the Former Bennett Freeze Area, as well as areas impacted by the Federal relocation of Navajo families, including requesting a Congressional Research Service or other appropriate study on how to encourage such investments.
- **Streamline Regulation and Support Tribal Sovereignty.** Support efforts to affirm tribal sovereignty and to cut costs by allowing tribal regulations to supersede appropriate Federal regulations.
- **$20 Million to Immediately Fund Critical Needs.** Increase funding for housing and other improvements in the Former Bennett Freeze Area of the Navajo Nation, with $10 million out of the BIA Trust Natural Resources Account (Natural Resources Subactivity) and $10 million out of the BIA Housing Improvement Funds, Department of Interior.
- **$18 Million for the Office of Navajo and Hopi Indian Relocation to Accelerate Completion of the Relocation Process.** At the current rate of 16 houses a year, with an estimated 200 Navajo families still waiting to receive benefits, it may be another 20 years before every eligible Navajo head of household receives the relocation benefits they were promised by Congress in 1974. The Subcommittee should double funding to the Office of Navajo and Hopi Indian Relocation to $18 million for ten years to accelerate completion of the relocation program.
- **Encourage Interior to Expand Efforts to Rehabilitate the Former Bennett Freeze and to Facilitate Other Technical Adjustments Needed to Humanize the Relocation Process.**
- **Provide Sufficient Construction Funding to the Indian Health Service to Build the Bodaway-Gap IHS Facility.**

Introduction. Thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern Federal Indian policy and a true tragedy for the Navajo Nation. I am the Chairman of the Navajo-Hopi Land Commission, which is the authorized entity of the Navajo Nation Council entrusted with addressing the ongoing harsh effects of both the Federal relocation of nearly 15,000 Navajos off of their ancestral lands pursuant to the Navajo Hopi Settlement Act, as well as the desperate need for rehabilitation and reconstruction in the former Bennett Freeze area (FBFA), where another 12,000 Navajos lived under a strict construction freeze for effectively 50 years.

Virtually every day, my constituents approach me to describe the hardships that they have suffered because of the relocation law and the construction freeze, including lots of young people whose families relocated and who now are homeless and landless. The impact of the Navajo Hopi Settlement Act and the Bennett Freeze will be with the Navajo Nation for many generations.

However, I want to talk about the amazing resilience of these Navajo families and give you one example that I experienced while campaigning for office. I was way out in a very remote section of the reservation passing out flyers when I came across a disabled Navajo woman living in a deteriorated shack. Her home was literally falling in on her and her children. There was wind blowing through the house through open cracks, which would also let in mice and other animals. As remote as her house is, the school bus still came every day to take her kids to schools. She was doing her best to give her kids a better opportunity, but still her situation was very depressing and she did not feel a lot of hope. My campaign team decided to build her a house to get her and her family out of this very unhealthy situation. They went out and raised money to buy materials. They poured concrete to build a foundation and constructed a very small home, about 16' x 20'. As much as I am proud of my campaign team, the truly incredible part of this story is the change that this small house created in this Navajo woman. Suddenly, she saw that life could get better for both her and her kids. This spirit of hope moved her to attempt things she had not attempted before. She was literally able to organize and build an addition to her house that is bigger than the house itself. Of course, under the Bennett Freeze, this would have been illegal. The long shadow of the Bennett Freeze, even though it is now lifted, had been with her for years. But now she understood that she could take control of her life, that she was not alone in her efforts, and that the future could be brighter and more hopeful for herself and for her whole family. There is hope for these Navajo families, but we must plant seeds that they can water and that will flower in the fullness of time.

Background on the Bennett Freeze. In 1934, the U.S. Government clarified the western boundary of the Navajo Nation identifying an area of land as for the Navajo and "such other Indians as may already be located thereon." This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. In the Bennett Freeze, you could not build homes, construct additions or make significant repairs. No Federal, Tribal or State programs could assist your community through the building of infrastructure essential to the health and well-being of any community. As a result, the Bennett Freeze was locked into the poverty of 1966, when the freeze was imposed. As a result of this construction freeze, the Bennett Freeze Navajos have become the "poorest of the poor." While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and permission was rarely granted for Navajo projects. Thankfully, the two tribes reached agreement on a settlement of their disputes and in the 111th Congress, the Congress passed legislation striking from the U.S. Code the language which had authorized the Bennett Freeze. The agreement provided that most of the area belonged to the Navajo Nation. For the thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

Redeveloping the Former Bennett Freeze Area. The Administration has previously noted that "[t]he Bennett Freeze was a product of a long-standing land dispute between the Navajo and Hopi reservation boundaries... more than 12,000 Navajo people living in the area were subjected to a 41-year freeze on development.... During the freeze era, the Navajo people were prohibited from building new homes, schools, health facilities,

constructing (electricity, water, roads, etc.) and community and economic development projects." However, the President's FY 2014 budget provides only a little more than $1 million from the Natural Resources Subactivity (TPA) account to address the need to rehabilitate this area. For the Former Bennett Freeze Area to recover there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993.[1] Going back four decades to the "War on Poverty" and the "Great Society Program," and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes lacking electricity and running water, with access to limited infrastructure, few schools and, therefore, no economic development.

Although the Navajo Nation believes that the Federal government bears great responsibility for these harms to the Navajo people, we also know that full redevelopment and recovery ultimately lies in our own hands. Therefore, in addition to seeking funds for key redevelopment programs, we also ask this Subcommittee to support a number of other initiatives to provide for truly transformational changes that can be generated through private sector partnerships.

Create Incentives for Private Sector Investment. With Federal resources tightening, the Navajo Nation asks that this Subcommittee support new incentives that would encourage private sector investment in the Former Bennett Freeze Area, as well as in the areas impacted by the Federal relocation of Navajo families. While legislation to advance such incentives may not strictly fall within this Subcommittee's jurisdiction, as efforts are made to advance and pass such legislation this Subcommittee may well be asked to be of assistance. We also ask that the Subcommittee request a Congressional Research Service or other appropriate study on ways to encourage private sector investment in these areas.

Streamline Regulation and Support Tribal Sovereignty. The Navajo Hopi Land Commission is actively engaged in discussions with key members of Congress regarding expanding the HEARTH Act, which allows Tribes to lease their lands without having to seek the approval of the Secretary of the Interior, to other areas of regulation, such as environmental, historic preservation, and housing. These proposals represent a direct enhancement of tribal sovereignty within tribal lands and would cut costs by allowing tribal regulations to supersede appropriate Federal regulations, rather than duplicate them. Again, we would ask that the Subcommittee support the advancement of such legislation, even if in its origin it does not fall within the Subcommittee's jurisdiction.

Fund Critical Needs. There are many needs in the former Bennett Freeze area, but the most critical is the need for housing and related improvements. The Navajo Nation asks that this Subcommittee support an increase in funding for housing and related improvements in the former Bennett Freeze Area of the Navajo Nation of $20 million in

[1] Notably, as a result of this hearing the Navajo Nation received $1.5 million in congressionally directed funds that was used to build 90 homes. The Nation may be the most effective entity to fund to do housing for relocatees and families in the FBFA.

FY 2014, with $10 million out of the BIA Trust Natural Resources Account (Natural Resources Subactivity) and $10 million out of the BIA Housing Improvement Funds. Notably, the Navajo Hopi Land Commission will be expanding its own housing construction and repair services based on revenues from the lands that it manages for the benefit of the relocatees. This program may prove more efficient and be the appropriate vehicle for funding an effort in the former Bennett Freeze area.

$18 Million for the Office of Navajo and Hopi Indian Relocation to Accelerate Completion of Relocation Process. Through hard won experience, literally over decades, ONHIR is delivering a quality product to many Navajo relocatees. The Subcommittee should increase funding to the Office of Navajo and Hopi Indian Relocation to $18 million to accelerate completion of the relocation program within ten years.

Encourage Bureau of Indian Affairs to Expand Efforts to Rehabilitate the Former Bennett Freeze and to Facilitate Other Technical Adjustments Needed to Humanize the Relocation Process. We would ask that the Subcommittee include report language that would encourage Interior to establish a taskforce to undertake a review of Interior programs that would benefit the FBFA and assist the Navajo Nation in accessing them. We would also ask that the Subcommittee support a renewed dialogue between and among the Navajo Nation, the Hopi Tribe, Interior Department and the Justice Department over possible amendments to the Accommodation Agreement that most Navajo families still living on Hopi lands signed to allow families to relinquish those agreements and seek relocation benefits. Finally, we would ask that the Subcommittee in report language encourage the BIA to expedite is determinations regarding lease payments due from the Navajo Nation to the Hopi Tribe (see 25 USC 640d-15(a)). The BIA delays for years in making these determinations resulting in huge interest payment obligations on the part of the Navajo Nation.

Congress should also authorize the ONHIR to oversee reconstruction activities within the FBFA, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands, as well as the option of assuming control of the trust fund proposed above.

Bodaway Gap Health Care Facility. This facility is high on the list for new construction and is a priority facility for the Navajo Nation. It would be located in the former Bennett Freeze area and provide a tremendous health and economic boost to the region. We urge enough funding in FY 2014 to allow the IHS to begin construction of this facility.

Conclusion. Although the Navajo-Hopi Land Dispute and the Bennett Freeze are painful issues, I thank the Subcommittee for this opportunity to provide testimony on a path forward to assure that the many Navajo families who have suffered as a result of these Federal actions can hope for a better life.

Mr. SIMPSON. Thank you very much. I appreciate the testimony. We plan on rescheduling the tour, and I am glad Senator McCain is—we will let him solve this problem. But I appreciate your testimony. Thank you.

Mr. PHELPS. Thank you.

Mr. SIMPSON. The next panel is Henry Pino, Franklin Hoover and Angela Barney Nez. Henry, you are first.

THURSDAY, APRIL 25, 2013.

BLACKWATER COMMUNITY SCHOOL

WITNESSES

HENRY PINO
FRANKLIN HOOVER

Mr. PINO. Good morning, Mr. Chairman. On behalf of the students, the families and the staff of the Blackwater Community School, I want to thank you for the opportunity to speak about the Bureau of Indian Education and the Bureau of Indian Affairs programs that affect our school.

Blackwater Community School was built by the Bureau of Indian Affairs in 1939 to serve students living on the Gila River Indian reservation near Coolidge, Arizona. The BIA operated the school until 1996 when the Blackwater Community School Board of Trustees began operating the school under the Tribally Controlled School Act. Myself and two other members of the school board of trustees attended Blackwater, and my children and grandchildren have attended the school. I have served on the board of trustees since 1993. Blackwater now teaches students in grade kindergarten through 5th grade as a BIE grant school and an Arizona charter school in 1994 to the current enrollment of over 385 students in kindergarten through 5th grade plus 40 parents who participate in the school's Family and Child Education, FACE, program. Blackwater is one of the few schools in the BIE system that constantly achieves adequate yearly progress under No Child Left Behind. In 2011, Blackwater was the first school in the Bureau system to be recognized as a national Title I Distinguished School of the Year. In 2012, the school's principal, Ms. Jacqueline Power, was recognized as the National Distinguished Principal of the Year by the National Association of Elementary School Principals. Most recently, Blackwater was honored by the International Reading Association as an Exemplary School of the Year. Achieving success at Blackwater has not been easy, and the board is very concerned about how the current budget issues will impact our students. Mr. Hoover will now address some of those challenges in detail.

Mr. HOOVER. Thank you, Mr. Chairman. Blackwater is a very successful school.

I am Franklin Hoover, and I am proud to be associated with Blackwater Community School, which is a successful school in the Bureau system, and that success in the Bureau system is consistently punished, and we will explain how that works.

When the school was started as a grant school in 1996, the Bureau put in place the moratorium that currently exists on expand-

ing grade levels at school. For a K–2 school, that does not make sense, so one of the first things the board did was put in place a state-funded charter school at the same location, serving grades now 3 through 5. After Blackwater put the charter school in in 1999, the committees started adding a new moratorium on adding charter schools at Bureau funded schools. One of the things that we would request is that those riders that are still in effect right now prohibiting grade expansion and prohibiting charter schools be eliminated from the legislation.

We are also facing the impacts of the budget cuts right now. Because it is a charter school, the impact aid cuts, which are outside of this committee's jurisdiction, have already hit the school this year. Next year, the cuts to the Bureau funding will hit the school. We are particularly concerned about the proposal to reduce ISEP by $16 million to create a new turnaround demonstration program.

For a school like Blackwater that succeeds, the school feels that it is being punished in its success by having its funding reduced, and to have those funds diverted to schools that are not succeeding. We agree that schools that are not succeeding need additional supports and they need additional services, but those services should not come at the expense of schools that are actually performing under this system.

Like every other school in the Bureau system, Blackwater Community School has unmet facilities needs. The school is located 50 miles southeast of Phoenix. During the beginning months of school and the ending months of school, the temperatures outside are typically well over 100 degrees. The school has never had a gym. There is no indoor space for the students to play in. The recess and PE classes are held on basically a dirt field that is not big enough to play a regulation soccer game. The Bureau has recognized this. The facility was built in 1939. The Bureau recognized in 2008 that there is a need to build a gymnasium with some additional classroom space. It is now 2013. There is no funding available. The thought that the funding has been zeroed out is offensive to, I think, every educator that is in the building right now. That is an issue this committee needs to address. There needs to be significant funding for the unmet facilities needs within Indian Country.

I see that our time is up. Thank you, Mr. Chairman.

[The statement of Franklin Hoover follows:]

STATEMENT OF BLACKWATER COMMUNITY SCHOOL
BEFORE THE SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
PRESENTED BY HENRY PINO, PRESIDENT,
BLACKWATER COMMUNITY SCHOOL BOARD OF TRUSTEES AND
FRANKLIN HOOVER, SCHOOL ATTORNEY FOR
BLACKWATER COMMUNITY SCHOOL

April 25, 2013

Introduction by Mr. Henry Pino:

Mr. Chairman and members of the Committee, on behalf of Blackwater Community School, I want to thank you for the opportunity to speak about the Bureau of Indian Education and Bureau of Indian Affairs programs that affect our school. Blackwater Community School was built by the Bureau of Indian Affairs 1939 to serve students living on the Gila River Indian Reservation near Coolidge, Arizona. The BIA operated the School until 1996, when the Blackwater Community School Board of Trustees began operating the School under the Tribally-Controlled Schools Act. Myself and two other members of the Board of Trustees attended Blackwater, and my children and grandchildren have attended the School. I have served on the Board of Trustees since 1993. Blackwater now teaches students in grades kindergarten through fifth grade as a BIE grant school and an Arizona Charter school.

Blackwater is a unique success in the BIE system. The School has gone from 82 students in grades kindergarten through second grade in 1994, to a current enrollment of over 385 students in kindergarten through fifth grade, plus 40 parents who participate in the school's Family and Child Education (F.A.C.E.) program. Blackwater is one of the few schools in the BIE system that consistently achieved Adequate Yearly Progress under the No Child Left Behind Act. In 2011 Blackwater was the first school in the Bureau system to be recognized as a National Title I Distinguished School of the Year. In 2012 the School's Principal, Ms. Jacquelyn Power, was recognized as a National Distinguished Principal of the Year by the National Association of Elementary School Principals. Most recently, Blackwater was honored by the International Reading Association as an Exemplary School of the Year. Achieving success at Blackwater has not been easy, and the Board is very concerned about how the current budget issues will impact our students. Mr. Hoover will now address some of those challenges in detail.

Statement by Mr. Franklin Hoover

I. The Impacts of Sequestration and Other Budget Cuts to Blackwater Community School

Thank you Mr. Chairman and members of the Committee. Blackwater Community School is unique because its leaders had the foresight to establish a State-funded charter school to serve grades that were excluded from Bureau funding. Since 1995 the Interior and Related Agencies appropriations acts have all included administrative riders that prohibit the use of BIE funds to add new grade levels at BIE schools. For the Blackwater community, this moratorium

meant that after second grade, Blackwater students had to leave the community to attend another school. To solve this problem, Blackwater established the Akimel O'Otham Pee Posh Charter School Corporation to obtain Arizona charter school funding for new grade levels. The charter school program currently serves grades 3 through 5. The Bureau of Indian Affairs responded to the success of Blackwater and other schools that obtained charter school funding by including a new rider in the Appropriations acts, beginning in 1999, that prohibits grant schools from establishing new charter schools. Blackwater is one of the few schools made exempt from the prohibition, because it had established its charter school programs prior to 1999.

Because Blackwater is both a tribally controlled grant school and a state charter school, it receives Bureau of Indian Education funding through a Tribally-Controlled Schools Act grant and Impact Aid funding from the Department of Education for its charter school. Both of these sources of funding have been reduced by sequestration and other cuts. For 2013, Blackwater Community School should have received approximately $795,000.00 in Impact Aid funding. As a result of sequestration and prior funding reductions, Blackwater Community School will only receive 70% of that amount (approximately $550,000.00). For the BIE funding, Blackwater, still does not know what the full impact will be for next year. Blackwater is already hurt by the fact that the BIE uses a 3-year rolling average of student attendance to determine the School's funding. For a school such as Blackwater that has increasing enrollment, the 3-year rolling average means that the School does not receive current year funding to match its actual student population. Since 2009, Indian School Equalization Program (ISEP) funding has increased by less than 5%. Blackwater expects that school year 2013-2014 funding will be below 2009 levels. The School has also been told that the Family and Child Education program, an outstanding adult and early childhood education program that has transformed many Blackwater families, may be proposed for elimination. There is also a proposal to decrease ISEP funding by 15 million dollars to fund a "turn-around" program for failing schools. This would further reduce funding to Blackwater and other performing schools. We ask the Committee to require that the turn-around program be funded in a manner that does further reduce funding for schools like Blackwater. As a result of all of these budget cuts, the students of Blackwater Community School have fewer resources and less support to meet increasing demands. We ask the Committee to make every effort to restore funding for BIE grant schools. Blackwater's students should not shoulder the burden of sequestration.

II. Facility Funding

As Mr. Pino mentioned, Blackwater Community School was originally constructed in 1939 as a kindergarten through second grade school. The original 1939 building had been condemned by the Bureau of Indian Affairs, but Blackwater renovated the building to keep it in service. Because of the lack of funds for new school construction within the Bureau system, however, more than 70% of the students at Blackwater attend classes in temporary modular buildings. Blackwater is also one of the few schools in the state of Arizona that has no gymnasium or multi-purpose building available for its students. P.E. classes, basketball games, physical therapy for special education students, and other functions that would normally be done inside all must be done outside on open fields.

In 2008, the BIE conducted a space analysis at Blackwater and recognized that the facilities were inadequate. To alleviate part of the facility problems at Blackwater, Assistant Secretary Skennadore authorized the construction of a 13,000 square foot multi-purpose building with an indoor gym, a cafeteria, and classroom facilities. Since 2008, however, there have been no funds allocated for construction of such a facility.

Blackwater's attempts to secure funding for the multi-purpose building have been extremely frustrating. The Bureau of Indian Education does not handle school construction. Instead, school construction is managed by the Bureau of Indian Affairs. BIA school construction funding for the past decade has only met fraction of the facility needs of BIE schools. Despite recent consultations with tribal leaders and school leaders about the system used to allocate the BIA construction dollars, Blackwater has seen no change in the process. Somewhere, there is a priority list for BIA school construction. Blackwater is not on that list, and will not likely be on that list anytime soon. We ask the Committee to again review the process used by the Bureau of Indian Affairs to allocate construction funds and to consider creating a separate process for education facilities. We also urge the Committee to fund BIA school construction at a level that allows for the facility conditions at schools like Blackwater to finally be corrected. Simply put, the children at Blackwater Community School deserve a place to play inside when it is 110 degrees outside.

III. The BIE's "One-Grant" Proposal

During his testimony before this Committee on February 27, 2013, Assistant Secretary Washburn explained that the BIE has been meeting with the Navajo Nation to discuss a "One-Grant" concept under which the BIE would move all of the Navajo BIE funded schools into one grant to the Navajo Nation. Currently 35 individual schools within the Navajo Nation receive grant funding directly from the Bureau. BIE officials have been discussing the same concept with leaders of other tribes, including the Gila River Indian Community. Blackwater Community School strongly opposes this "One-Grant" concept. Blackwater is truly a community-controlled school. The school has operated with some oversight from the Bureau of Indian Education, but with minimal regulation by the government of the Gila River Indian Community. The "one-grant" concept being advanced by the BIE is directly at odds with the principal of local control that has been essential for Blackwater's success.

There may be a point at which the capacity of tribal government agencies, such as tribal education departments, develops to a level that makes it feasible for such departments to serve as grant managers and support agencies for local community schools. However, most tribal education departments are still in the very early stages of development. Blackwater Community School urges the Committee to carefully monitor the attempts by the BIE to advance its one-grant concept to make sure that the negative impacts of such a structure do not outweigh any potential cost-saving benefits.

Conclusion

Mr. Pino and I thank you for the opportunity to tell you about Blackwater Community School. We are both very proud of the School and we ask that the Committee consider taking actions to ensure that the success of Blackwater continues and that other schools in the Bureau system see the same success. These actions include eliminating the administrative riders that prohibit grade level expansion and the establishment of charter schools, restoring grant school funding, reforming school construction, and affirming support for local governance of schools.

Mr. SIMPSON. Thank you. Believe me, I understand the problem about grade expansion and the problems that that has been created with that prohibition, so we will be addressing that this year, hopefully, in the bill.

Mr. FRANKLIN. Thank you, Mr. Chair.

Mr. SIMPSON. Angela.

THURSDAY, APRIL 25, 2013.

DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.

WITNESS

ANGELA BARNEY NEZ

Ms. BARNEY NEZ. Yes. Thank you, Mr. Chairman, Mr. Simpson, and a gentleman named Jonathan Steele. Thank you for having us here today and hearing us out.

My name is Angela. I am a director for the Diné Bi Olta School Board Association, and I realize that I was listed as the Immersion School, and I tried to have that corrected with the staff here. So I did turn in the form. I know they need the funding, and I know they have the problems, and I really do hope that they resolve their issues as well.

I am here from the Navajo Nation. I live in New Mexico and I work in Arizona, so it is like at the Four Corners area. Our school board association represents all of the elected Navajo school boards on the Navajo Nation, and we are federally funded in terms of 66 schools. Thirty-four are granted to the people that you have heard from this morning, and many others, and I am here today especially in concern of those that are federally operated. Out of the 66, we have 32 that are federally operated.

We are very concerned about tribal support costs. That has been stated eloquently here by some of our colleagues also, and that $72 million in funding needs to cover their needs. Many times, they get diverted or shortfalls occur because there is a lack of funding and we start holding other accounts to manage, make ends meet. Student transportation funding, Navajo Nation has roads that are managed out of the counties, the state counties, and we work very hard with them; however, they are still a very high need. One of the things I wanted to bring out about transportation is that the way that the school buses are regulated on Navajo for our schools, they use diesel fuel. Many times, the diesel fuels are at locations in the border areas, so the rural schools have to drive many miles to gas up with diesel fuel and drive back and make the bus rounds, and then maybe middle of the week go back and fuel up again. So the costs of those and the costs of the rural—and the isolation factors are high, and that we would like to get in parity with the national average of at least $3.50 per mile. The funding for that is estimated at $52.8 million. So I wanted to bring that out, because that is more evident in our schools than anywhere else or anything else, aside from facilities and ISEF.

The ISEF program is mandated under Public Law 95561, and it takes care of the teacher salaries and all of the needs in the class-

room, including the textbooks. I want to mention that $431 million is the level of need for that category.

I am going to try to go through this as quickly as I can.

Facilities, O&M, I have an e-mail that I wanted to share with you because it is so important. As of April 18, we received an e-mail from our tribal utility authority that our schools are going to not be able to make the payment because of a thing called the overall budget has been exceeded. And the way that our schools are funded, they are electronically inputted into the Bureau system. The causes—if the sequestration numbers are in, which they are, at 11 percent, then it causes the system to not make any payments. And as of the 18th, that has occurred in all of our schools. And evidently, 187 kids had to be sent home from the Red Rock Base School.

So I wanted to mention those, and then in our testimony, you have a list of schools that have pending construction funding requests that are pending from fiscal year 2010, that go into fiscal year 2011, and are still there. And there are 18, 19 schools that are in this category. Many times, the construction funding that gets awarded begins to try to break down other things in order to get to construction. So that is a problem and we would like to get those funding for construction restored.

I have a table, Mr. Chairman, that I really would like for you to look at. It is in our testimony, and Jonathan has it on the table. We have a shortage of 301 teachers because of the 11 percent cut in our schools. It—$13.8 million has been cut from the BIE-operated schools, based on the 11 percent. So each school has been giving up teachers, counseling, they have been sharing business technicians. We are trying to meet the mandate for special education, for NCA accreditation, residential needs, food service, and transportation.

One last comment. One last comment. We are very much the proponent of local control of education. Local control and local autonomy and local participation of parents in the community is of utmost importance to our school board association, and we feel that that is the ground grass roots level that needs to be an active participant in the overall structure if the BIE is going to realign or restructure. We believe realigning is administratively okay, but restructuring requires formal consultation with our Nation.

Mr. Chair, I very much appreciate being here. I am an Army veteran and also a breast cancer survivor, and sometimes you think what is really, really important? It is the way that our government is going to adhere to what we have to live with out in our communities, and we feel government-to-government is so important, and we all participate in what that becomes in the end for the betterment of our communities and our children.

Thank you very much.

[The statement of Angela Barney Nez follows:]

Testimony of Angela Barney Nez, Executive Director of the Diné Bi Olta School Board Association, Inc. Regarding FY 13 and FY14 Federal Budget(s) April 25, 2013

The Diné Bi Olta School Board Association (**DBOSBA**) is the only school board association established by the Navajo Nation to represent local community school boards; whom shall make recommendations concerning all BIA-funded schools and local community school boards of the schools operated by the Bureau of Indian Education and funded by the Bureau of Indian Affairs for administrative costs. There are currently 66 federally funded schools on the Navajo Nation, 34 of which are operated by a grant or contract under P.L. 93-638 and / or P.L. 100-297 as amended.

TRIBAL GRANT SUPPORT COSTS (TGSC) FORMER ADMINISTRATIVE COST GRANT: P.L. 100-297 authorized Administrative Cost Grants (ACG) now identified as Tribal Grant Support Costs (TGSC) to provide for tribal Grant and Contract Schools to cover school administrative costs. Since enactment, the number of Grant Schools has increased to 66% while the funding level has decreased each year. Under these circumstances Grant Schools cannot be expected to succeed.

Since FY2010, the funding available for TGSC met only 60 percent of need. As a result, schools are forced to divert funds from educational programs to meet statutorily mandated administrative requirements. For current contract and grant schools, $70.3 million should be appropriated in FY2013-2014 to fully fund TGSC need, with an additional $2 million to fund the administrative needs of those schools that convert to contract or grant status in FY2013-2014, to avoid diverting funds from existing tribally operated schools.

Over the past four years alone, the reduction in funding to the schools amounted to $19,847,550. The decrease in ACG funds has forced schools to spend funds from facilities, academic, and Title programs - none of which were intended to cover mandated health insurance, workmen's compensatory insurance, pensions, personnel services, utility costs, and property management.

The Diné Bi Olta School Board Association (**DBOSBA**) **respectfully requests:**

- An Increase the TSCG funds to $72 million to cover funding needs for current grant and contracted schools.

SCHOOL TRANSPORTATION: Students attending BIE-funded and operated schools travel over great distances and very poor road conditions. On the Navajo Nation, approximately 90% of the roads are unimproved and unpaved. The BIE calculates annual school transportation costs based on the miles each bus transports students to and from school. This calculation does not include miles for extracurricular activities. Overall, the transportation funding per mile is $2.61 covers only 75% of the transportation cost at each school. Student transportation shortages is made up from education program funds. Schools have no choice in the matter; if they cannot get children to school, they cannot educate them.

The Diné Bi Olta School Board Association (**DBOSBA**) **respectfully requests:**

- Fund student transportation on parity with the national average of $3.50, at $73 million (compared with FY2010 enacted level of $52.8 million), which an increase of $20.2 million over the FY 2010 level.
- Include separate, adequate funding for student transportation needs as it relates to extracurricular activities, bus maintenance, and school vehicles. Generally, fuel costs much more on the Navajo Nation and travel and transportation costs are consequently much higher.

INDIAN SCHOOL EQUALIZATION FORMULA (ISEF): The Indian School Equalization Formula (ISEF) is the core budget account for educational and residential programs of the BIE elementary and secondary schools and dormitories. These funds are for instructional programs at BIE-funded schools and residential programs at dormitories, and include salaries of teachers, teacher aides, principals, and other school-level program administration, kitchen, and dormitory staff. The ISEF amount due to each school is determined by a statutorily-mandated formula established by regulation.[1]

During the eight year period of FY 2003 to FY 2010, the ISEF account increased by almost $45.5 million; but in only two of those years – FY 2009 and FY 2010 - the increase was actually an increase in program funding. For the other years, the requested increases were limited to amounts needed for fixed costs and related changes, as opposed to actual program increases.

At most schools, the chronic shortfall in other key school accounts has a negative impact on ISEF funding, because ISEF funds are most often diverted to make up the shortfalls in school transportation, facilities, administrative costs, etc. which means fewer dollars are available for the education and residential programs.

The Diné Bi Olta School Board Association (**DBOSBA**) **respectfully requests:**

- Fund ISEF at $421 million – or above the FY 2010 enacted level of $391.7 million.

SCHOOL CONSTRUCTION, FACILITIES, & REPAIR: Because of Federal budget cuts, the Navajo Nation has experienced a significant decline in new school construction, school replacement, severe shortfalls on current construction projects, and inadequate funding for renovation and emergency repairs. 35% of all Bureau of Indian Education-funded schools (or 66 schools) are located on the Navajo Nation; most of these schools have not been considered for New School Replacement.

In 2011, The President's request was only $52.85 million for BIE school construction and repair, which was a $60.1 million decrease from the FY10 enacted level. That amount was not enough to address the staggering construction and repair backlog on the Navajo Nation alone. Since FY 2005, the funding levels have dramatically decreased for this critical program. The Navajo Nation seeks $263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the severe construction and repair backlog. BIA's budget has

[1] 25 C.F.R. 39.12(g)(1) and (2), 39.13 and 39.14.

historically been inadequate. These schools are plagued with asbestos, structural problems, lead paint contamination, leaking roofs, and other health and safety issues resulting in unsafe conditions for students and staff and declining enrollment. The lack of progress over the past seven year in negotiated rulemaking has again seriously impeded tribal participation on school construction matters.

The Diné Bi Olta School Board Association (**DBOSBA**) **respectfully requests:**

- An increase of $150.4 million from the FY 2010 enacted level of $112.994 million for a total of $263.4 million in FY 2013-2014 to the BIA for Indian school construction and repair.
- Congress to approve the Negotiated Rule Making Committee's final recommendations as set forth for school replacement policies and procedures for school renovation and school replacement construction policies and procedures.
- Design and implement a qualitative program to train administrators and board members on the various aspects of planning for new school construction, complete with contingency plans for administrative and school board turnover.

FACILITIES OPERATION & MAINTENANCE: All tribally-operated schools are government facilities however, they do not receive proper funding for their operation and maintenance, and are not replaced on a schedule consistent with appropriate health, safety, habitability and educational standards. The backlog of construction and repair needs is so enormous, that the BIA has even stopped estimating it in the annual budget request. School facilities backlog items are currently estimated at $14.5 billion.

The *Facilities Operation* account is intended to cover expenses for personnel, electricity, heating fuels, communications, ground maintenance, vehicle rentals (except school buses), refuse collection, custodial services, pest control, water and sewer services, fire/intrusion monitoring, and facilities operation program management. According to BIE, the school system occupies over 21 million square feet of educational space which does not count outside spaces.

Over the eight year span of FY 2003 through FY 2010, annual funding for Facilities Operation has increased by less than $2 million, a scant 3.2%. The BIE budget does not reveal the percentage of need supplied, while schools report receiving only slightly more than 50% of the amount mandated by the facilities formula. The lack of funding severely hamper schools' ability to pay utility and custodial expenses, it also results in unhealthy, uncomfortable, and unsafe building conditions and deterioration of the federal government's investment in these facilities.

Funding for education *Facilities Maintenance* is used for preventive, routine cyclic, and unscheduled maintenance for all school building, equipment, utility systems, and ground structures. This includes maintenance services for HVAC systems, boilers and other pressure vessels; furnaces; fire alarms and sprinklers; radio repeaters; security systems; utility systems; water needs (wells, water treatment plants, and storage tanks); and outdoor spaces such as sidewalks, driveways, parking lots and landscaping. The severely small level of funding negatively impacts schools' ability to pay utility & custodial expenses and perform much needed routine and preventive maintenance, which also results in unhealthy, uncomfortable, and unsafe

building conditions and rapid deterioration of the federal government's investment in these facilities.

The Diné Bi Olta School Board Association **(DBOSBA) respectfully requests:**

- Facilities Operations funding at least $109.8 million, a $56.9 million increase over FY 2010
- Replacement, Repairs and New Construction Funding Requests from the following Schools:

Navajo schools requesting **new school facilities** since **FY 2010** are: Cove Day School, AZ, Lukachukai Community School, AZ, Tohaali Community School, NM, Tonalea Day School, AZ, Tse'ii'ahi Community School, NM , Rocky Ridge Community School. Schools requesting **new dormitories** since **FY 2011** are Richfield Dormitory, UT, Black Mesa Community School, AZ, Shiprock Associated Schools, Inc.NM, and Chichiltah-Jones Ranch Community school, NM; Kinteel Residential Campus, AZ. School **Facilites Replacement and Repairs** requests **continuing since FY 2012** are:

1. **Kinteel Residential Campus, Inc.**, AZ – Request for New Construction
2. **Tsel Ahi, NM** – New School Construction-
3. **Many Farms H,S., AZ-** Facilities O&M; staff quarters and historic bldgs.; $29,994.00
4. **Bread Springs Comm. School, NM** – the school was forced to share a Business Technician moving the principal away from academic tasks. School Replacement award is incomplete;
5. **Tohaali (Toadlena) Community School, NM**–Staff Quarters replacement; roof replacement, abatement. New School Replacement; Bus Maintenance high costs.
6. **Richfield Residential, UT** -New School Replacement;
7. **Rock Point Community School, AZ**– K-12 School replacement Transportation shortfall due to high costs of bus maintenance.
8. **Naaneelzheen Jii Olta (K-8), NM**; Roads Maintenance for Bus Routes; New School construction requests continue from prior years.
9. **Cove Day School, AZ** –New replacement request is currently the CFR listing. Demolition has diminished funds for new construction.
10. **Luepp Schools (K-12), AZ** - request for demolition of old buildings
11. **Tonalea Day School, AZ** – New School Replacement; School Application for a P.L. 100-297 is pending due to lack of Tribal Grant Support Costs.
12. **Cottonwood Day School, AZ**–funds for bus routes; School facilities and Staff Quarters.
13. **Crystal Boarding School, NM** –School replacement; Dorm has deficiencies but is in use.
14. **Wingate Elementary School, NM** –50 units Staff Housing costs at $8,125,000.00.
15. **Pueblo Pintado Community School, NM** –Transportation funds are limited due to high costs of fuel, GSA rental rates; transportation deficit causing a reduction in bus drivers.
16. **Greasewood Springs Community School, AZ** –Staff Housing Replacement due to age, compliance(s) & safety costs are $2,556,800; Bus Route Roads Improvement Funding Request.
17. **Sanostee Day School (K-3), NM-** Road improvement for Bus Routes.
18. **Beclabito Day School, NM** – Replacement facilities-major renovation and lack of operational facilities costs, causes program funds to be used for transportation.
19. **T'iis Nazbas Community School, AZ** – Bus transportation cost are increased due to break downs. The school kitchen is in need of new equipment, continually under repair work orders.

NOTHING FOLLOWS

Mr. SIMPSON. Thank you, and thank all of you for your testimony.

I agree with you that while there are things that need to be done in the educational area with BIE to improve it, nothing is going to be done unless it has the support of tribal leaders around the system, so that is something that we hope to have them working on with tribal leaders, and see if we can improve this situation that we are in.

Thank you all.

Next panel is Phillip Ahmsaty, Elbridge Coochise, Irene Cuch.

Phillip is first.

THURSDAY, APRIL 25, 2013.

CASA BLANCA COMMUNITY SCHOOL

WITNESS

PHILLIP AHMSATY

Mr. AHMSATY. Chairman Simpson, my name is Phillip Ahmsaty. I am a member of the Gila River Indian Community, and I sit on the Board of Trustees for the Casa Blanca Community School, a tribally controlled grant school authorized pursuant to P.L. 100–297.

I want to address the condition of our school, Casa Blanca Community School, the strides of our students, what our students have done in the face of poor conditions, and the problematic effect of sequestration on funding and our continuing ability to educate our kids.

I would like to extend a deep gratitude for this opportunity to address the committee.

Casa Blanca Community School serves 254 students at the moment, from Kindergarten to 4th grade, with an expected rise in attendance for the coming year. Unfortunately, our school is old, having been built in the '70s, with glaring problems with the school buildings. Portable and permanent buildings house our students. The condition of these buildings is unsafe, with portable buildings having significant flooring issues. Students being placed strategically around the floor issues is very unsafe for them. We have to move the kids around so they don't step on the soft spots and possibly injure themselves. The permanent buildings have door issues that are not functional and beyond repair. One of the permanent buildings has drainage problems, causing damage to the base of the building, and this is very sad, but 50 percent of our permanent structures contain asbestos.

We know none of these repairs are cheap. On March 11, 2013, the committee analog in the Senate would eliminate the BIA's school replace program. This continuing resolution is consistent with the Department of Interior's original fiscal year 2013 budget proposal eradicating the school replacement program entirely.

Casa Blanca Community School believes the total school replacement program needs to continue. Casa Blanca Community School is one of 63 schools out of the 183 Bureau-funded schools on the BIA index of schools in poor condition released in 2009. Funding

for facility operations and maintenance should be 100 percent of need and should occur consistent with the calendar for receipt of other school grant monies.

Other problems contributing to the increased deterioration of grant school facilities is a lack of adequate need-based funding for facilities, operations, and maintenance. Casa Blanca School has received approximately 50 percent of needed funding for operation and maintenance. This should be 100 percent.

Secondly, our students have made recent significant progress in light of some of our issues with our school buildings. Attendance has increased. There are significant improvements in reading and math. Technology has helped—been the key to success for our students. iPads have been used, Promethean active tables, and laptops are helping increase the improvements. The Board strongly believes student improvement will increase and be magnified as we transition to the common core curriculum and standards. Arizona common core curriculum asked as to integrate slants to student teaching. We do not have any science-ready facilities in our school. We are working with the Gila River Indian community to secure funding for an additional facility the Board could designate as a science lab. This is one example of why this committee should commit to higher funding for our grant schools.

For our students to be competitive with other school systems, adequate funding is needed for our children to get a quality facility, equipment, and teachers.

We also want to talk about to eliminate the Interior and Related Agencies appropriations for riders prohibiting grade expansion. We want to expand to 5th grade. As I have said, we have gone from Kindergarten to 4th grade. We want to increase to 5th grade, giving our children a better chance as they move on in their educational lives.

Lastly, sequestration and resulting expectant funding cuts will hinder parity in our students' competitiveness. BIE has advised us to prepare for an anticipated 10 percent cut in funding for the coming school year. Budget planning will be difficult when coupled with increasing student enrollment. This year's school suffered a loss of approximately $260,000 in funding. These funding cuts, when combined with the underfunding of other existing and known needs will have a devastating effect on our school.

Sequestration may result in increasingly late grant payment. Casa Blanca School receives 80 percent of its administrative costs grants. The remaining 20 percent is due in December of that school year. Over the last 3 years, payments were not received in a timely manner, some of them coming in as late as April, and in one case, July.

The Board believes the timeliness of grant payments will slow even more due to personnel reductions. We are urging this committee to require grant payments to be made on time, which requirements in federal law are doing slow.

In conclusion, we ask the committee to recommit to fully and adequately providing funding for Indian education. The Gila River Indian community children, those of other native communities throughout the United States deserve nothing less.

Again, thank you for the opportunity.

[The statement of Phillip Ahmsaty follows:]

STATEMENT OF MR. PHILLIP AHMSATY, MSW
CASA BLANCA COMMUNITY SCHOOL
BOARD OF TRUSTEES

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

April 25, 2013

Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, my name is Phillip Ahmsaty. I am a member of the Gila River Indian Community and I sit on the Board of Trustees for the Casa Blanca Community School ("CBCS"), a triballycontrolled grant school authorized pursuant to P.L. 100-297. Today, I would like to address the Committee on programs run by the Bureau of Indian Affairs ("BIA") and Bureau of Indian Education ("BIE") that impact our school. More specifically, I will address a few discrete topics today including the conditions at our school, the strides our students have made in the face of said conditions, and the anticipated problematic effects of sequestration on funding and our continuing ability to educate our kids. Before continuing, I would like to extend my deep gratitude for this opportunity to address the Committee.

(A) CBCS Has Decrepit, Subpar Educational Facilities.

CBCS serves 254 students in kindergarten through 4th grade. Over the past two years, we have seen an increase in student enrollment and we expect that growth to continue into the next school year. One of the Board's greatest concerns, however, lies in the dangers to which our students and staff are exposed on a daily basis as a result of the condition of our facilities. Further, as our student population grows, the Board worries about its ability to provide students with a safe, fully functional space for learning.

Of our current total student population, exactly half, or 127 students, attend class every day in portable buildings. The remaining 127 students are housed in permanent buildings. Both the portable and permanent facilities are unsafe and completely lacking as functional educational facilities. This is a particularly glaring problem given the transition to the use of Common Core standards and curriculum. I will discuss this in a bit more detail momentarily.

Of our portable classrooms, four are in need of new subflooring. Three portable classrooms have such significant flooring issues that students' desks must be strategically placed so as to prevent student traffic from traveling over soft sports in the classrooms, causing students or staff to fall through the floor and injure themselves. The school's more permanent facilities are equally decrepit. Of our total permanent structures, 50% contain asbestos.

There are numerous other, very substantial safety hazards posed by our facilities. For instance, approximately 60% of the building overhangs on campus are sagging between 10-12". Additional structural support will be required once the sagging reaches between 14-16". The need to replace these roofs, or at least the overhangs, is a certainty; the only question is when we will have to do it. On thirteen doors throughout the campus, the metal frames are falling out of the wall. Because the doors are beyond the point of repair, the school cannot use them because once they are opened, these doors cannot be secured. Additionally, one of our main permanent buildings has settled in such a way that runoff from the roof no longer drains properly. Instead of being carried away from the building, the water and other runoff

(including sand and dirt) settle at the base of the building. This, in turn, causes further settling. Our Facilities Department expects that the foundation for this building, which houses our library, the computer lab, and our Family and Child Education Program ("FACE")[1], will soon need to be re-secured, or possibly redone entirely. As a result of the settlement elsewhere on campus, the school has a set of bathrooms that cannot be used, as the drain pipe running beneath the bathrooms was crushed when the building settled.

None of the foregoing repairs or replacements come cheap, as the Committee is no doubt aware. As one of my colleagues on the Board has remarked, our kids are only as good as their surroundings. And yet, on March 11, 2013, this Committee's analog in the Senate proposed a Continuing Resolution ("CR") for the remaining six months of the FY 2013 that would eliminate the BIA's school replacement program. That CR is consistent with the Department of Interior's ("DOI") original FY 2013 budget proposal in that the latter likewise eradicated the school replacement program entirely. Oddly, in spite of the DOI's proposal, its Assistant Secretary for Indian Affairs, Kevin Washburn, during testimony before this Committee on February 27, 2013 discussed the New School Replacement and Renovation Formula in some detail, and suggested that the BIA was anticipating "initiating the new school-priority-ranking process this fiscal year." We can only hope that Assistant Secretary Washburn's remarks reflect a recommitment to caring for and replacing BIA-owned and/or controlled properties that pose serious hazards to Native students.

Regardless, CBCS firmly believes the total school replacement program needs to continue, and that it should be adequately funded. CBCS is one of 63 schools (out of a total 183 Bureau-funded schools) on the BIA's Index of Schools in Poor Condition. That Index was last released in 2009. Surely there are more schools on that list today than there were four years ago. Since the Index's last issuance, CBCS has creatively worked towards eliminating some of our more patent safety issues – for instance, our playground equipment posed a safety hazard, so we got it replaced. The school was extremely fortunate that the GRIC Council appropriated the funds to do so. But remediation is a poor substitute for replacement where replacement is warranted. And the responsibility for the vast majority of our facilities rests squarely and exclusively with the DOI and BIA.

(1) Funding for facilities operations and maintenance should be at 100% of need and should occur on consistent with the calendar for receipt of other school grants monies.

Of the problems contributing to the increased deterioration of grant school facilities is the lack of adequate, need-based funding for facilities operations and maintenance ("O&M"). CBCS has received approximately 50% of the needed funding for facilities O&M over the past three years. These monies should be appropriated at 100% of need. This is critically important, given the already deplorable condition of CBCS and grant schools like it.

(B) Our Students Nevertheless Have Made Recent, Significant Progress.

Admittedly, our students come to us with significant need, and oftentimes behind in educational progress when compared with off-reservation, non-Native students. But the picture we wish to paint today is not one dominated exclusively by doom and gloom. Instead, we are pleased to report several meaningful and positive student developments over

[1] Our FACE program has grown so much lately that we find ourselves looking to move classrooms around to accommodate greater numbers of adult Community members wishing to work towards their GED. Like the Department of Interior, we are consistently faced with difficult, and sometimes competing, budget requests.

the past few years. First, we have successfully increased our students' attendance from 92 to 95%. This is no easy feat, given the challenges our Transportation Department faces given the rural area and population we serve.

More significantly, our students have shown significant improvement in reading and math recently. In reading, the students' average growth rate is 1.67 (or a full year and six months), while math growth has been .94. This increase is undoubtedly due to a very dedicated group of teachers, staff, and our administration. We have focused heavily on increasing the use of technology in the classroom and believe we are seeing the dividends. Over the past two years, we have been able to purchase a number of iPads, some Promethean Active Tables, and laptops. The use of this technology is pivotal in preparing our students to perform and succeed in the global market. As you know, though, the latest technology costs money and therefore demands adequate funding.

The Board strongly believes student improvements will increase, and will be magnified, as we transition completely to the Common Core curriculum and standards. But this transition will pose challenges, as well. Arizona's Common Core Curriculum asks us to integrate science into student teaching. But our school lacks any sort of science-ready facility. While we are working with the GRIC itself to secure funding for an additional facility the Board could designate as a science lab, this is just one example of why this Committee should commit to continued, higher funding for grant schools. For our students to be competitive with students in other school systems, the school must receive adequate funding to give the students quality facilities, equipment, and teachers. Parity can, in large part, be encouraged through appropriate funding.

(C) Sequestration and Resultant Expected Funding Cuts Will Hinder Parity and Our Students' Competitiveness.

The BIE has advised us to prepare for an anticipated 10% cut in funding for the coming school year. The full extent of any such cuts will not be known until next school year. This creates a real dilemma for budget planning, particularly when coupled with our increasing student enrollment. This year, the School suffered a loss of $155,429.00 in funding. Should sequestration result in a 10% reduction in the Titles I & II grants, as well as IDEA, we expect to suffer a further loss of at least $104,671.50.

These funding cuts, when combined with the underfunding of other existing and known needs will have a devastating affect on our school. I have already explained how the facilities O&M budget line item is historically underfunded. The same is true of the administrative cost grant (now known as "tribal grant support"). Per the DOI, the BIE funded administrative cost grants at approximately 62% of need as defined by the Administrative Cost Grants formula for the 2012-13 school year.[2] The DOI's Budget Justification for Indian Affairs for the current year indicates that tribally controlled grant schools' administrative costs grants will be funded at approximately 65% of need.[3] As the Committee knows, this grant is intended to cover the schools' indirect costs, including auditing services, financial, personnel, property and procurement management, security, and legal services.[4] The Board believes it reasonable to expect that these already underfunded grants are likely to decrease even further in regard to percentage of need funded as a result of sequestration.

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[2] *See* Dep't of Interior Budget Justifications and Performance Information Fiscal Year 2013 – Indian Affairs at IA-BIE-3 (2013).

[3] Indian Affairs 2013 Budget Justifications at IA-BIE-3.

[4] *Id.* at IA-BIE-2-3.

(1) Sequestration may also result in increasingly late grant payments.

Another ongoing problem with funding generally is the BIE's timeliness of payments on grants. According to grant conditions and relevant provisions of the Code of Federal Regulations, for instance, CBCS receives 80% of its administrative cost grant (which is never fully funded, as outlined above) at the beginning of the school year. The other 20% due is supposed to be paid no later than December of the relevant school year, consistent with the Prompt Payment Act. Yet, in spite of these requirements, over the past three school years, the school's second draw of administrative costs is not received until at least April (in one case, the remaining 20% was received in July).

As the DOI works to "streamline" functions at the BIA and BIE, and as personnel are reduced, the Board believes the timeliness of grant payments to the school will likely slow even further. Accordingly, we urge this Committee all it can to require that grant payment be made on time, in accordance with the requirements in federal law for doing so.

(D) Conclusion:

In remarks before this Committee last week, Secretary Salazar discussed the "difficult choices" Interior must make in budget decisions. Specifically, Mr. Salazar advised of the DOI's intent to eliminate or reduce lower priority programs, reduce duplication, and streamline operations. In the Secretary's view, all of the foregoing will lead to captured savings. We are here today to ask you not to balance the cost of those captured savings on the backs of Native children who have forever been treated to lesser education funding and educational opportunity. Similarly, we ask this Committee to recommit to fully and adequately providing funding for Indian education in an amount commensurate with the other federally funded educational system – that which is operated by the Department of Defense. The GRIC children, and those of all the other Native communities throughout the United States, deserve nothing less.

Thank you, again, for the opportunity to address you and for your consideration of this testimony.

Mr. SIMPSON. Appreciate it. Thank you.
Elbridge and Ralph Gonzalez.

THURSDAY, APRIL 25, 2013.

INDEPENDENT TRIBAL REVIEW TEAM

WITNESS

ELBRIDGE COOCHISE

Mr. COOCHISE. Thank you, Mr. Chairman. My name is Elbridge Coochise, and unlike my chairman, who has an Irish name or whatever he has called it, my Coochise name is a Hopi name.

I am here on behalf of tribal courts in Indian Country that are funded through Bureau of Indian Affairs. There are approximately 300 operating court systems in Indian Country. The Bureau of Indian Affairs funds partially 184 of those court systems. This does not include the Alaskan systems, and there are about 140 of those that are either funded through DOJ or elsewhere.

First of all, we would like to thank the committee in fiscal year 2010 for the $10 million that was appropriated. For many years, the Bureau funding was at $14.4 million each year, and trying to spread that over 184 courts. With that $10 million increase, it helped, but I notice in fiscal year 2012 that it went back down again to $23.4 million. We support the President's recommendation of $1 million, where it would just bring it up to the current level.

So the review team strongly recommends enhancing increasing funding to tribal courts, and also with that, adding $10 million to the fiscal year 2010 enacted amount. And then, of course, we request that the $58.4 million that was authorized under the Indian Tribal Justice Act and it was reauthorized in 2000, but to date, no funding has ever been granted from that act itself.

Our recommendations for the increase are several-fold. The hiring and training of—and two big issues in the last few years, compliance with the Tribal Law and Order Act of 2010, compliance with the Violence Against Women Act that was passed this year, and salary increases for existing judges and court personnel, and state of the art technology for the tribal courts. Unfortunately, many of the courts still use basically cassette recorders to record their proceedings. The security and security systems, it is basically nonexistent. There are only a few courts that have systems because of the cost. And of course, the code development, which is mandated by the TLOA and the VAWA, and then the financial codes. So the costs of carrying out justice in Indian Country is increasing, but the money is not going along with it.

Ralph Gonzalez is here. We are part of the five-member team that did—for about 7 years, we did reviews of tribal courts, and then we went back with what we call corrective action and assisted 28 of those tribal court systems to fix those recommendations we made in the reviews, and our last review we did in June of 2011.

But the two big issues I think that is hampering and Chairman Shingoitewa mentioned, the TLOA, because it requires law trained judges, barred attorneys for prosecutors, and public defenders to operate, and most of that is costly. We do not have that many

barred attorneys living on Indian reservations. And then the VAWA Act that was just passed, while it is limited in the domestic violence arena, it also mandates that non-Indians who are charged with domestic violence within Indian Country are entitled to the full benefits of the U.S. Constitution, which differs from the Indian Civil Rights Act, because in that there are several factors, one of them being juries are usually 12 persons under U.S. Constitution. Indian Civil Rights Act has only six-person juries. And then anyone charged, a non-Indian has the right to an attorney if they cannot afford one. Well, the Indian Civil Rights Act, it says you have the right to an attorney, but you have to pay for your own. The government does not have to pay for it. And then the other addition, which goes into code revisions, is that the jury pool is to be made of the cross section of community members, including non-Indians, and so a number of tribes will have to modify their codes and have non-Indian sitting in.

This last year—I have been retired for a number of years now, but I have been pro temping in dealing with jury trials for the last year. The tribe where I am sitting is only from enrollment, and it is hard to—the last year, at one point it had 12 jury trials set up, and not one went because we did not have enough people that would be able to sit. So those two factors, I think this year we need to see the tribal court funding greater. And the other thing, in our review process, in the assessment, the BIA only funds about 26 percent of the operation costs of tribal courts, even today. And so any increase will be a help, and that is what we are recommending that this committee appropriate at least $10 million, because the President's recommendation of $1 million, if you spread it over 184 courts, it is not going to go very far.

So with that, thank you for your time.

[The prepared statement of Elbridge Coochise follows:]

INDEPENDENT REVIEW TEAM

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ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED
INDEPENDENT TRIBAL COURTS REVIEW TEAM
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE FOR THE FISCAL YEAR 2014
BUREAU OF INDIAN AFFAIRS APPROPRIATIONS
April 25, 2013

Thank you for the opportunity to testify today and to address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I am the Lead Judge representing the Independent Tribal Court Review Team. We thank this Committee for the additional $10.0 million funding in FY 2010. These funds were a blessing to Tribes. Even minimal increases were put to good use. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased in FY 2014 to support the needs of Tribal judicial systems.

Budget Priorities, Requests and Recommendations

1. **+$10 Million Increase for Tribal Courts above the FY 2010 enacted level**

2. **+ $58.4 Million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 (no funds have been appropriated to date)**

3. **Support the requests and recommendations of the National Congress of American Indians**

The increase will support:

1. **Hiring and Training of Court Personnel**
2. **Compliance with the Tribal Law and Order Act of 2010**
3. **Compliance with the VAWA Act of 2013**
4. **Salary Increases for Existing Judges and Court Personnel**
5. **State-of-the-Art Technology for Tribal Courts**
6. **Security and Security Systems to Protect Court Records and Privacy of Case Information**
7. **Tribal Court Code Development**
8. **Financial Code Development**

The Independent Court Review Team supports the proposed $1.0 million increase in the FY 2014 President's Budget. The fight against crime and drugs has led to more arrests which is increasing the caseload in the Tribal Court System. The continuing implementation of the Tribal

Law and Order Act (TLOA) and the recent enactment of the Violence Against Women Act (VAWA), further strains the capacity of the Tribal Judicial System which is underfunded, understaffed and ill-equipped to function effectively and in a manner comparable to non-Indian government judicial systems. Tribal Courts are at a critical stage in terms of need.

Background:

The Bureau of Indian Affairs (BIA) within the Department of the Interior provides funding to Tribal governments to supplement their justice systems including courts. Tribal courts play a "vital role" in Tribal Self-Determination and Self-Governance as cited in long-standing federal policy and acts of Congress. Funding levels from BIA to support Tribal justice systems have not met the Federal obligations.

There is a great deal of variation in the types of Tribal courts and how they apply laws. Some Tribal courts resemble Western-style courts in that written laws and court procedures are applied. Others use traditional Native means of resolving disputes, such as peacemaking, elders' councils, and sentencing circles. Some Tribes have both types of courts. The Bureau of Indian Affairs (BIA) also manages a small number of CFR (Code of Federal Regulations) courts.

Since 1999, Bureau of Justice Assistance in the Department of Justice has administered the Tribal Courts Assistance Program, designed to provide funds for Tribes to plan, operate, and enhance Tribal judicial systems. They have made attempts to evaluate Tribal Courts but discovered their means of doing so was insensitive to American Indian and Alaska Native (AI/AN) people and unrealistic in the absence of elements that were key to Indian Country, such as: (1) the importance of Tribal culture and traditions; (2) the inability to apply state and local criminal justice initiatives to Tribal settings; (3) the lack of cooperation from non-Tribal entities; and, (4) the lack of available data on Tribal Justice.

The Independent Court Review Team has had more hands on success in reviewing Tribal Court Systems. For approximately seven (7) years, we have been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed 84 court reviews. We also completed 28 Corrective Actions. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

Justification for Request:

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under-experienced staff and minimal training. (We have determined that hiring Tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)
2. **Compliance with the Tribal Law & Order Act of 2010 –** To provide Judges, Prosecutors, Public Defenders, who are attorneys and who are bared to do "enhanced sentencing" in Tribal courts
3. **Compliance with the 2013 VAWA Act –** to provide Tribal Courts with the ability to provide non-Indians with all the rights under the U.S. Constitution in domestic violence actions in

Tribal courts (12 person juries, provide attorneys for non-Indians, provide attorneys in court personnel in domestic violence cases as in TLOA, etc.)

4. **Salary Increases for Existing Judges and Court Personnel –** Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal judicial systems and be competitive to maintain existing personnel.
5. **Tribal Courts Need State-of-the-Art Technology -** (software, computers, phone systems, tape recording machines.) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
6. **Security and Security Systems to Protect Court Records and Privacy of Case Information -** Most Tribal Courts do not even have a full time Bailiff, much less a State-of-the-Art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.
7. **Tribal Court Code Development -** Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in economic development and code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)
8. **Financial Code Development -** We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual process of who collects it, where it is collected and how much it is, is never consistent among Tribes.

Tribal Courts Review:

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to allocate funding to Courts before other costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Nationwide, there are 184 Tribes with Courts that received $23.47 million in Federal funding in 2012. The Review Team's Assessments have indicated that the Bureau of Indian Affairs only

funds Tribal Courts at 26% of the funding needed to operate. Now BIA faces $114 million in cuts and Tribal courts face 5% cuts plus .9% reduction due to the budget sequester/budget cuts. Tribes who have economic development generally subsidize their Tribal Courts. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal citizens. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

The grant funding in the DOJ is intended to be temporary, but instead it is used for permanent needs; such as funding a Drug Court Clerk who then is used as a Court Clerk with Drug Court duties. When the funding runs out, so does the permanent position. We have witnessed many failed Drug Courts, failed Court management software projects (due to training costs) and incomplete Code development projects. When the Justice funding runs out, so does the Project.

As a directive from the Office of Management and Budget in FY2005, our Reviews specifically examined how Tribes were using Federal funding. In the seven fiscal years through June of FY2011 there were only two isolated incidents of a questionable expenditure of Federal funds. It has been speculated that because of our limited resources, we compromise a person's due process and invoke "speedy trials" violations to save Tribal Courts money. Everyone who is processed through the Tribal judicial system is afforded their Constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about Tribal Courts. Tribal Courts need an immediate, sustained and increased level of funding. True. However, there are strong indications that the Courts will put such funding to good use.

There are several courts where the roofs leak when it rains and those court houses cannot be fixed due to lack of sufficient funds. The Team took pictures of those damaged ceilings for the BIA hoping to have additional funds for the Tribes to fix the damaged ceilings.

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts do offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally not law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

This Congress and this Administration can do something great. Put your money where your promises have been and support the Acts you have passed. Thank You.

Mr. SIMPSON. Thank you.

Did you have something to add, Ralph?

Mr. GONZALEZ. Just a very brief statement is that in reviewing, as part of the review team, over 95 courts, I have never seen that a tribal government has ever created a tribal court with the objective of it failing. They always want to see the tribal court, in fact, succeed, but they cannot achieve that level because of lack of funding.

Tribal courts are a business. You have to have money to pay for salaries. You have to have money to pay for juries, as Mr. Coochise said. So do not forget when any act is developed by the Congress, the COPS program or any of the other ones, that tribal courts need the funding stream also.

Mr. SIMPSON. Irene.

THURSDAY, APRIL 25, 2013.

UTE TRIBE OF UTAH

WITNESS

IRENE CUCH

Ms. CUCH. Yes. I just want to say in my language, [speaking native language]. That means greetings, and good morning. Mr. Chairman, members of the subcommittee, thank you for inviting me to testify. My name is Irene Cuch. I am the Chairwoman of the Ute Indian Tribe of the Uintah and Ouray Indian Reservation. Our reservation is located in northeastern Utah, and is the second largest reservation in the U.S.

My testimony focuses on two very important issues for the tribe: energy development and law enforcement.

Congress needs to begin taking Indian energy seriously. Over the last 5 years, the congressional committees built a record about the need for additional staff, staff expertise, and improved energy permitting process. Over this same period, some of the Administration have looked under every rock for additional funding and ideas to reform the bureaucracy.

All this effort and not much has changed. We already told Congress and the Administration what is needed. The answers to these problems are not so difficult. A prime example is energy staffing. Our reservation is about 4.5 million acres, has 70-year history of development, and the tribe has become a major domestic oil and gas producer. We lease about 400,000 acres for development. We have 7,000 wells which produces 45,000 barrels a day, 900 million cubic feet gas per day.

Despite the value of our resources to the tribe and to domestic energy production, we have only two or three Bureau of Indian Affairs staff working on permits. It can take longer than a year to get a single well permitted on our reservation. Energy companies often tell the tribe that the federal permitting process is the single biggest business risk factor they face. It is no secret that they are limiting their operations, based on number of permits federal agencies are able to process. This also limits the tribe's financial growth and the services we can provide to our members.

We need dramatic changes so that we can provide for our communities and increase domestic energy production. We ask that you provide Interior the funding and resources necessary to organize staff into Indian energy development offices, or one-stop shops, business already being done for federal lands.

Section 365 of the Energy Policy Act of 2005 allows Bureau of Land Management to conduct a pilot project to improve federal permitting coordination. Just a few weeks ago, a Senate committee approved a bill to expand these offices. This is exactly the kind of support that we need for Indian energy. However, the President's 2014 budget proposes more funding for BLM to develop oil and gas, but not Bureau of Indian Affairs.

The President proposes $23 million increase for the BLM to promote oil and gas development on federal lands. Meanwhile, Indian energy funding will stay at $2.5 million. The President's choice to fund BLM over BIA is a shame. This subcommittee should give BLM's $23 million to the Bureau of Indian Affairs. This funding is needed to fulfill the Federal Government's responsibility to ensure the most beneficial use of our reservation homelands.

Congress must also increase tribal law and order enforcement funding. In recent years, Congress passed a Tribal Law and Order Act and Violence Against Women Act to affirm tribal authority to keep our reservations safe, but without police officers, jails, support systems, we are basically right back where we started. We have eight federally funded police officers trying to cover the second largest reservation in the United States. This leaves us with only two or three officers per shift to cover an area three times larger than the State of Delaware.

To make matters worse, about 10 years ago, our tribal jail was condemned. We waited and waited for Bureau of Indian Affairs to replace our jail. After seeing criminals let go and tribal members abused in county jails, the tribe said enough is enough. We are currently using $35 million of our own funds to build a new justice center. This is not right. The United States must live up to its treaty and trust responsibilities.

We are pleased that the President is requesting an additional $5.5 million for law enforcement in the Indian Country, but once this funding is distributed nationwide, it will do little more than cover the increase in gasoline prices for our patrol cars. The tribe asks for 10 times this funding. Maybe then we could start to police our reservations the same as you would like your own communities policed.

We ask that Congress dramatically increase its support for the essential services tribal governments provide. If Congress would support Indian energy development, we would have more tribal funding for our government services, just like the $35 million we are using to construct a new justice facility. The money we earn from energy development helps us fund our government and provide services for our members.

Thank you for this opportunity to testify. Nothing is more important to the tribe than keeping our members safe and developing energy resources to provide for the long-term economic security of our members, children, and grandchildren. I will be happy to answer any questions that you may have.

[The statement of Irene Cuch follows:]

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

Testimony on American Indian/Alaska Native Programs

April 17, 2013

My name is Irene Cuch. I am the Chairwoman of the Ute Indian Tribe of the Uintah and Ouray Reservation. Thank you for inviting me to testify today.

Last year, I testified that Congress and the Administration need to begin taking Indian energy seriously. There has long been much agreement on this issue. Over the last 5 years, the House and Senate Indian Affairs Committees have built an extensive record about the need for additional staff, expertise, resources, and improved permit processing. Over this same period, Indian Affairs leaders within the Administration have been looking under every rock for additional funding and ideas to reform the current bureaucracy. Yet, not much has changed.

The Ute Indian Tribe and other tribes have already told Congress and the Administration what is needed. The answers to these problems are not so difficult to figure out, but Congress appears to be more interested in waging political battles than solving the problems that energy producing tribes face. We ask that Congress make a serious commitment to bring federal support for Indian energy into modern times.

A prime example is energy staffing. Our Uintah and Ouray Reservation is the second largest reservation in the United States, about 4.5 million acres, and the Tribe is a major domestic oil and gas producer. The Tribe leases about 400,000 acres for oil and gas development. We have about 7,000 wells that produce 45,000 barrels of oil a day. We also produce about 900 million cubic feet of gas each day.

Despite these tremendous resources and the value of these resources to the Tribe and to domestic energy production, we have only 2 or 3 Bureau of Indian Affairs (BIA) staff involved in the oversight and processing of oil and gas permits on our Reservation. Each of these permits must undergo thorough environmental and technical reviews, and each permit must comply with a number of federal laws and regulations. As you can imagine the delays can be extensive.

As the oil and gas companies who operate on the Tribe's Reservation often tell the Tribe, the federal oil and gas permitting process is the single biggest risk factor that they face when trying to develop oil and gas resources on our Reservation. As a result, it is no secret that the oil and gas companies operating on our Reservation are currently limiting their operations based on the number of permits the federal agencies involved are able to process. This unnecessarily limits the number of drilling rigs they are willing to operate on our Reservation. It also limits the Tribe's financial growth and the level of services we are able to provide to our members.

We need dramatic changes so that we can unlock our energy resources, provide long-term economic resources for our communities, and increase the Nation's supply of domestic oil and gas. We ask that you provide Interior the funding and resources necessary to organize BIA energy staff, and the other Interior agency staff working in Indian energy, into Indian Energy Development Offices or "one-stop shops." In fact, this is already being done for federal lands. Why is Congress leaving Indian lands behind?

In 2005, Section 365 of the Energy Policy Act authorized the Bureau of Land Management (BLM) to initiate a "Pilot Project to Improve Federal Permit Coordination." The law allowed BLM to establish 7 pilot offices and streamline federal permitting by co-locating staff from different federal agencies in these offices. Just a few weeks ago, the Senate Energy and Natural Resources Committee voted out a bill that would expand these pilot offices. In addition, the President's fiscal year 2014 budget proposed reforms to revamp and improve these BLM one-stop-shops. This is exactly the kind of support that we need for oil and gas permitting on Indian lands.

The President's budget also supports increased funding for BLM management of oil and gas permitting activities. The President proposes a $23 million increase over fiscal year 2012 for staff and resources to promote oil and gas development on federal lands. While some of these BLM staff also oversee permitting activities on Indian lands, the Tribe has to wonder why there was not a $23 million increase in BIA funding for oil and gas permitting.

As we all know, BIA is already short on oil and gas permitting staff and expertise. In addition, the impacts of the budget sequestration will put additional strain on the remaining staff. Consequently, there will be less tribal development and we will have less funding to provide services to our members or invest in our Reservation and regional economy. To correct the President's misguided budget, and fulfill the federal government's trust responsibility of ensuring the most beneficial use of our Reservation homelands, Congress should reallocate the $23 million from BLM's energy activities to the BIA's energy activities.

The only benefit proposed in the President's fiscal year 2014 budget for Indian oil and gas are more "strike teams." These "strike teams" are being developed in the Office of Indian Energy and Economic Development to serve reservations where there is significant tribal oil and gas development. The Tribe is currently benefited from one of these strike teams. A team of contractors has joined our local BIA Agency Office and is assisting with environmental reviews and providing energy expertise.

While the benefits of additional staff and expertise are undeniable, when these contracts run out or these strike teams are needed elsewhere, who will provide the needed staff and expertise? What lasting reforms will remain in place to ensure that we are not again subject to a bureaucratic permitting process?

Indian lands need at least the same resources and attention the Congress and the President are lavishing on federal lands. Instead, while the President proposed a $23 million increase for BLM conventional energy activities, BIA funding remains the same as fiscal year 2012. The Tribe is saddened by the contrasting energy initiatives contained in the President's budget, and the lack of Congressional focus on these issues.

I am therefore here to ask the Subcommittee to reallocate the $23 million proposed for BLM to provide the funding necessary to support the creation of Indian Energy Development Offices which are designed specifically to improve both the BIA's and the BLM's traditional and renewable energy permitting systems. As former Senator Dorgan and many in Congress have noted, the oil and gas permitting process is a bureaucratic maze of federal agencies. Indian Energy Development Offices would bring all of the agencies into the same room and would streamline the processing of the federally required permits. These agencies could then work collaboratively to eliminate backlogs and delays in approving leases, rights-of-way, and applications for permits to drill.

On our Reservation, we need 10 times as many oil and gas permits as we are currently able to get approved. Currently, about 48 Applications for Permits to Drill (APD) permits are approved each year on our Reservation. The Tribe and its business partners estimate that about 450 APDs will be needed each year as the Tribe expands its operations. The Tribe believes that a one-stop shop is the best way to get the BIA, the BLM, and other federal agencies working efficiently with the Tribe to manage the high level of permitting needed on our Reservation. We need your assistance to make that happen.

The Ute Indian Tribe also asks that funding be restored for lease compliance, unresolved rights, and cadastral surveys performed by the BIA's Western Regional Office. These programs were established in the 1980's to support research, negotiation, and pre-litigation activities necessary for the protection of tribal trust lands and the rights of Indian landowners. Despite the vital need for these programs to protect tribal lands and Indian landowners, the President's fiscal year 2012 Budget eliminated the funding, which had been moved to the Real Estate Projects line item, while also reducing the funding available for cadastral surveys.

Much of this funding is needed to address title, boundary and jurisdictional issues within our Reservation, and to resolve long-standing trespass issues - within our Reservation and the Region as a whole - with properly documented easements, and in negotiating and documenting easements for expired and new transmission lines throughout the Western Region.

The Tribe also testified a year ago about the need for an increased focus and resources in law enforcement. Again, not much has improved. Despite the fact that we live on the second largest Reservation in the United States and that criminal jurisdiction on our Indian lands rests strictly with the federal government and the Tribe, our Reservation continues to be served by

only 8 federally funded police officers. This leaves us with only 2 or 3 officers per shift to cover an area that is larger than the State of Connecticut. Now with budget sequestration, our police manpower is going to be reduced even further by federally mandatory furloughs.

How are we supposed to implement the provisions of the Tribal Law and Order Act (TLOA), the Violence Against Women Act and the Sex Offender Registration and Notification Act under these conditions? Today, more than two years after the passage of TLOA many of our police calls, including those involving domestic violence, still go unanswered. Even when an officer is available to answer a call, it is difficult to bring a successful prosecution because the officer arrives long after the crime and well after the evidence has been lost, destroyed or tainted.

To make matters worse, about 10 years ago, we lost our federally owned tribal jail to condemnation. Due to our limited federal budgets, the BIA has only allowed funding for 10 temporary rental beds at our local county jail. As a result, even when we can bring a successful prosecution we have no place to put that convicted individual.

While we are pleased that BIA is requesting an additional $5.5 million to hire and support additional officers in Indian country, at the local level know that this increase will not even begin to address our problem. Taking into account the actual cost of operating a law enforcement program on a large reservation, when that $5.5 million is distributed Nation-wide it will do little more than cover the increase in gasoline prices that our police departments have had to contend with over the last two years. While we appreciate all of the help that we can get, please do not be misled into believing that a $5.5 million increased equates to a "new initiative" or "a serious effort to combat crime in Indian Country" because it simply does not.

Instead the Tribe is stepping forward with its own resources. After almost ten years of waiting for the BIA to replace our jail, seeing convinced individuals returned to our streets, and watching tribal members abused in tribal detention in our local county rental cells, the Tribe said enough is enough. We are currently using more than $35 million of our own tribal funds to build our own tribal justice center to house our adult and juvenile prisoners, our existing tribal court, including our prosecutors, and the programs that support these systems.

The BIA is supporting us in this effort and we will continue to work closely with the BIA throughout this construction process, but we are counting on them, and on you, to fulfill the federal government's responsibilities to the Tribe and help us fund the detention staff which will be required to operate this new building when it is completed in fiscal year 2016.

Thank you for your consideration of these important issues. We ask that Congress dramatically support Indian energy development. As you can see from the financial support we have provided for the new tribal jail, the revenues the Tribe earns from its energy development helps us to fund vital governmental services and provide for our members.

Mr. SIMPSON. I thank all of you for your testimony today, and look forward to working with you to address some of these problems. Some of the laws we do pass obviously pass on additional costs that need to be taken care of when we do that, so I appreciate it very much. Thank you.

Our last panel of the morning is Carole Lankford, Tracy "Ching" King, Lester Randall, and Brian Patterson.

Do we have everybody?

Carole, you are first.

THURSDAY, APRIL 25, 2013.

CONFEDERATED SALISH AND KOOTENAI TRIBES

WITNESS

CAROLE LANKFORD

Ms. LANKFORD [speaking native language]. Mr. Chairman. My name is Carole Lankford. I am vice chair of the Confederated Salish and Kootenai Tribes of the 1.3 million acre Flathead Reservation in western Montana. I have submitted a detailed written statement as well as some supplemental materials.

Almost half of our reservation is forested lands, and we are supportive of the Administration's proposed budget for BIA TPA forestry, as well as a forestry increase intended to move our forests towards parity with the other federal forest budgets. We support the Administration's request for cooperative landscape, conservation, and the Administration's request to combat invasive species, as well as funding to engage our youth in natural sciences.

I am here today to emphasize one program in particular within the Interior Department's Office of Wildland Fire is the Hazard Fuels Reduction Program, HFR. This program removes or modifies vegetation to reduce wildfire risk, reduce the risk of severe and dangerous wildfire, and lessens post wildfire damage. We conduct inventories of fuels, prepare sites for treatment, and implement treatment practices. The Hazard Fuel dollars are split among the various DOI land agencies, including the Bureau of Indian Affairs.

The DOI budget justification says, and I quote, "Hazard fuel reduction can be the most effective way to protect community values to restore forest and grassland health, improve firefighter and public safety, and potentially reduce large fire suppression costs." Mr. Chairman, if it is the most effective way to protect communities and forests, why is there a proposed $90 million reduction?

We think this is ill-advised, and as you have done in the past, we hope you will restore this item. We urge that Hazard Fuel Reduction Program be restored to the 2010 level of $206 million. We and all other tribes we have heard from are strongly opposed to the so-called Hazard Fuel Priority Allocation System, HFPAS, formula. While the Office of Wildland Fire is under pressure from Congress and GAO to deal with the duplication of administrative work, they instead came up with this absurd HFPAS formula and completely neglected the Executive Order 13175 and developed and implemented HFPAS without tribal consultation. When they rolled out the formula, it proposed to cut our Hazard Fuel Program by 94 per-

cent. Other tribes with large forests faced even larger cuts. We and they raised heck and had some funds restored, but the formula is totally flawed and biased against other tribes, especially those surrounded by national forests, as those forests are discounted because they are owned by the Forest Service, an agency of the Department of Agriculture, but not within the Department of Interior.

We must wonder if this is the same Interior Department that just finished paying $1 million to tribes for mismanagement of trust assets resource, because the HFPAS formula will do much damage to our trust resources and leave us no choice but to file suit for breach of fiduciary responsibility. We wonder if this is the same department that has touted the policy of government-to-government and meaningful consultation with tribes.

Mr. Chairman, the first consultation with HFPAS formula took place last month, 2 or 3 years after the HFPAS formula has been used to gut the Hazard Fuels Program.

We have appended to our testimony letters that we wrote to the DOI last year as well as letters from our Senator, from other tribes, and from the Intertribal Timber Council, and from the BIA Northwest Region Office, all objecting to the unfairness of the HFPAS formula.

I ask this committee to direct DOI to a bend in the HFPAS formula, or to alternatively and preferably simply direct that 25 percent of the Hazard Fuel Program dollars be allocated to the Bureau of Indian Affairs. This figure is based on historical averages and then taking into account the priority of protecting trust lands. If DOI wants to use the formula for allocating among the other land agencies whose land is not held in trust, that is fine, but the BIA should get no less than $50 million, or 25 percent.

Beyond their essential economic importances, tribal forests sustain habitat for fish and wildlife, produce food, medicine, fuel, and materials for shelter. Healthy forests are essential for a healthy tribal economy and our culture. If we continue to suffer reduction in the Hazard Fuel Reduction Program funds, the resulting fires will cause severe problems on our home land.

I also want to turn and point out to this picture back here, it is the Bitterroot National Forest which butts up against the Flathead Indian Reservation. We do not want our forests to look like that. We take care of things at home.

So we really appreciate the opportunity to speak with you today, and I also brought Ron Swaney in case we have questions. He is our fire management officer.

Thank you very much.

[The statement of Carole Lankford follows:]

TESTIMONY OF CAROLE LANKFORD, VICE CHAIRMAN, CONFEDERATED SALISH AND KOOTENAI TRIBES
SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2014 APPROPRIATIONS
Impact of Forestry and Fire related Budgets on the Tribal Economy

APRIL 25, 2013

Mr. Chairman, I am Carole Lankford, Vice Chairman, of the Confederated Salish and Kootenai Tribes (CSKT) of the 1.3 million acre Flathead Reservation in Western Montana. The CSKT is a large land based Tribe and a participant and proponent of the DOI Self-Governance Initiative. We are proud to be one of the original ten tribes when Self Governance was merely a pilot project. We are also proud to now directly operate every BIA program on our Reservation via Self Governance agreements and are proud that we were the first Tribe in the United States to take over management of a BIA Title Plant. We are honored by the fact that the BIA often suggests to other tribes that they come visit us to see how professionally a federal program can be operated under contract. The CSKT also operate all Indian Health Service programs excluding the Contract Health Serviee (CHS).

Speaking of visiting Mr. Chairman, we would like to point out that when you are in the northern part of your district, for instance in Gibbonsville in Lemhi County, if you get on I-93, head north and don't get off, you'll end up in Pablo, Montana, our government's headquarters, in less than three hours. We would be so honored if you visited us this summer. We have a greatest respect for your understanding of the legal Federal/Tribal relationship and the many actions you have taken to protect and enhance that relationship.

Mr. Chairman, while there are many issues of importance to us, we have decided to focus on one matter this year – **the BIA and DOI FY 14 Forestry and Fire Related budget** – because the actions of the Administration on this matter are profoundly affecting us.

To summarize:

1) The Tribes respectfully request that this committee firmly direct the Department of the Interior to ensure that programmatic and funding decision they make related to forestry and fire activities on Tribal lands reflect the unique fiduciary trust relationship between the United States and Tribal Nations. We respectfully request that the fiduciary responsibility standard be defined as the highest standard of care and that Interior be directed to ensure its funding decisions reflect that defined fiduciary trust responsibility standard and binding legal relationship. In the historic case of *US. v. Mitchell* (1983), which addressed the issue of the Interior Department's mis mismanagement of timber on the Quinault Indian Reservation, the Supreme Court noted, in affirming the decision of the Court of Claims, that it is well established that a trustee is liable for damages in cases of a breach of fiduciary duties. The majority wrote that it "naturally follows that the Government should be liable in damages for the breach of its fiduciary duties."

2) Within the DOI Wildland Fire management:

A) We request that this Committee restore **Hazard Fuels Reduction** funding to the $206 million level it was at in FY 2010, and

B) We ask that you remove BIA/tribal projects from the DOI Hazardous Fuels Priority Allocation System (HFPAS) funding formula and set an annual minimum BIA/tribal allocation at 25% of the DOI hazard fuel allocation but no less than $50 million;

3) In BIA TPA Forestry, we support the Administration's $5.1 million increase and the increase by $5 million to begin moving BIA Forestry toward parity with similar federal forestry budgets;

4) For BIA Cooperative Landscape Conservation, we support the Administration's $10 million request and direct that those funds serve tribally-based activities;

5) Within BIA Agriculture and Range, we support increased funding to combat invasive species, and support the $2.4 million proposed among various BIA programs to engage youth in the natural sciences.

HFPAS – A Direct Affront to the Fiduciary Trust Responsibility Owed Federally Recognized Tribes

On a dollar-per-acre basis, BIA funding has long been far below any other Interior land management agency. Estimates provided to the Secretarial Trust Commission in February 2013 put Forest Service land funding at $7.50 per acre, and BIA per acre land funding at $3.50 per acre. Tribal governments and individual tribal members depend on their lands and resources for income, jobs and subsistence.

Our experience with the HFPAS model was shocking and will exacerbate the inequity described above. It would appear that not only was no one in the Office of Wildland Fire was familiar with the above referenced *Mitchell* case and the liability that the US accrued as a result but we wonder if the authors of the HFPAS formula were familiar with the more recent Cobell litigation or the 41 more recent Salazar trust mismanagement cases, the latter of which resulted in the US paying out over $1 billion due to its liability for mismanaging the assets and resources of those 41 tribes. We say this because the HFPAS formula was blatantly biased against BIA and Tribal lands and it was a formula under which Indian country was not consulted. It was only a few weeks ago, after a solid year of complaining by timber tribes, that the BIA held its first consultation with us on the HFPAS formula but this was years after the horse was out of the barn, the formula implemented and our funds were cut. One indication of how skewed the formula is can be seen by the fact that despite having hundreds of thousands of acres of land that are susceptible to fire, and despite having a highly regarded hazardous fuels reduction program, our allocation under the new formula was proposed to decrease by 94%! Other tribes in the northwest, including one that has the largest stand of timber in the country, were scheduled to be reduced by even higher amounts. We objected strongly and via "management considerations" some of our hazardous fuels funds were restored but we and the BIA still suffered reductions at a much higher percentage than did the Department as a whole from reduced appropriations. From FY 2011 to FY 2013 our Hazardous Fuels Project Funding level was reduced by 68%.

The HFPAS formula is extremely complex and we are submitting supplemental material for the Committee to review so that you will have an understanding of it including four letters that we have sent in, as well as letters from the Yakama Nation, the Intertribal Timber Council, Senators Baucus and Tester, and the Northwest Regional Office of the BIA. We are also attaching a power

point presentation that demonstrates how the formula is flawed. But just a few anecdotal examples are that if a tribe's land is surrounded by other DOI land you get extra points because of the concern of fire spread but since much of our land is surrounded by USFS lands (owned by USDA and not DOI), the DOI formula is not concerned with *that* spread. So we lost points because our Fire Planning Unit (FPU) includes the USFS. There is also an emphasis and extra points for "treasured landscapes" but no tribal land may be given treasured status. There were also many clear examples of non-BIA agencies that gamed the system including one that claimed a 99 year benefit by treating grass (without using cement!!) and others that had never hired Indians but claimed they would and got extra points. Points for protecting lands held in trust for tribes by the Federal government were not a part of the formula nor were points for crown fire involving valuable timber when compared to grass..

We understand that this Committee has expressed frustration with the Federal government's Wildland Fire Program and its duplication of efforts across agencies. We also understand that GAO reports have faulted the Wildland Fire Program and that the Interior Department was under pressure to justify its Hazardous Fuels Reduction program. HFPAS was the answer they came up but it just cannot withstand scrutiny. DOI's own after action review unveiled flaws and while touting transparency, there aren't half a dozen people in the country who can explain it or understand it. We ask this Committee to direct DOI to shelve the HFPAS formula, to read Executive Order 13175 (which explicitly requires the federal government and its agencies "to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes") and to set aside 25% of Hazardous Fuels dollars for the BIA or involve Indian tribes with a new formula that will include tribal trust responsibility and start over again. We think the 25% proposal makes the most sense and will be easiest for DOI to implement.

The HFPAS system has eroded Trust responsibility and placed trust lands in jeopardy for increased fire, invasive species degradation, less employment, and overall reduced productivity. HFPAS incorporated 2 models to identify the so called Highest Priority Projects (the Project Prioritization System, PPS) in the Highest Priority Places (Ecosystem Management Decision Support, EMDS). The attachments showed how the PPS and EMDS components are flawed. Beyond their economic importance, Tribal forests sustain habitats for fish and wildlife, produce foods, medicines, fuel, and materials for shelter. Healthy Tribal forests are essential for a healthy Tribal economy, culture and spiritual wellbeing. The current budget proposal is directly contrary to the goals in the federally sponsored National Cohesive Wildland Fire Management Strategy: Phase II report, namely to "Restore and Maintain Landscapes'. The current budget proposes funding runaway suppression costs at the expense of proactive and effective fuel treatments.

We support your past direction that the Department should not emphasize the Wildland Urban Interface (WUI) and we urge that you again include language prohibiting an emphasis on hazardous fuels dollars being directed to the WUI.

Support the $5.1 million increase for the BIA TPA Forestry program, and the $5 million increase to begin moving BIA Forestry toward parity with similar federal forestry budgets.

The CSKT urges this Subcommittee to adopt the $5.1 million FY 2014 increase requested for BIA Forestry, and to further add an additional $5 million to begin moving BIA Forestry toward

parity with other federal forestry budgets. The independent 1993 and 2003 IFMAT reports documented that the BIA Forestry per-acre management funding is far less than half that provided for National Forests and state and private forests, and we believe the 2013 IFMAT report will update and corroborate those findings. **IFMAT I and II reports also document that Indian forestry is the most productive and innovative on federal lands.** Tribes tend to keep their saw mills open and their forest products workforce engaged. Yet the long-documented underfunding has taken a toll, as demonstrated in the many recent tribal trust fund and resource mismanagement lawsuit settlements. Supporting the proposed $5.1 million BIA Forestry increase and supplementing that with an additional $5 million will start to shore-up the eroded federal trust responsibility, make a needed investment in the single most productive federal timber program, and provide jobs and countless social and economic benefits for tribal communities.

Support the Administration's $10 million request For BIA Cooperative Landscape Conservation and direct that those funds serve tribally-based activities.

We support the FY 2014 requested increase in BIA Cooperative Landscape Conservation (CLC) to $10 million. As the principal trustee delegate of the United States, the BIA has responsibility to care for 10% of the Interior Department's total 500 million acres. The dependence upon land and resources makes Indian peoples among the most vulnerable to climate change. Yet there has been little or no funding for substantive tribal participation in Interior's previous CLC initiatives. Interior's FY 2014 CLC proposal for BIA finally begins to correct that disparity. In supporting the $10 million, we also urge the Subcommittee to assure that all or at least most (90%) of that funding be directed to Tribal projects on the ground.

Support increased funding to combat invasive species within BIA Natural Resources Budget

Although specifics for the proposed FY 14 Administration increase for these programs are not available as of this writing, the CSKT supports efforts to reduce adverse impacts of invasive species. There is a direct relationship with land productivity and invasive species. One year, the CSKT received less than $1,000 in BIA weed funding, to perform weed treatment on over 500,000 acres of Tribal trust lands. Trust property must be protected and nurtured as it provides resources and employment for Tribal economies that are some of the poorest communities in the United States.

Mr. Chairman, funding for Indian programs is a very minor fraction of the overall budget, but the United States has a well-established duty to honor its special relationship to tribes and its fiduciary trust obligations to care for our land and resources. We thank you for your commitment to these historic and enduring responsibilities.

For FY 2014, with the notable exception of Hazardous Fuels, the Administration's proposed BIA budget does support some long-needed improvement in management of our trust resources. Investments in improving the health and productivity of our natural resources will have far-reaching economic and cultural benefits for tribal communities.

Thank you.

Attachments (not for hearing record)

Mr. SIMPSON. Thank you. I appreciate it very much.
Tracy.

THURSDAY, APRIL 25, 2013.

FORT BELKNAP INDIAN COMMUNITY

WITNESS

TRACY "CHING" KING

Mr. KING [speaking native language]. I said my name is Holy White Horse. Mr. Chairman, thank you, members of the committee. I came here on behalf of our budget request, and I want to bet you a nickel that I could solve our issues with one penny. I was looking on the Internet looking at some of the—like each quarter, corporate America shows you how much money they made. I believe one company, somewhere around $20 million they made last year or 2 years ago in the second quarter. So I said, I am going to take my penny and divide it into 32 parts, 32 pieces, and if you give me 1/32 of that penny from a tax or something from that, I would get $6,250,000 in one quarter, which is $25 million per year. So I kind of upped the ante on all parties get super back money for election purposes, according to the Supreme Court law, that is legal. So I believe somewhere around $1.1 billion spent on elections, I think it was, and if you give me 1/4 of this penny, of that $1.1 billion, that is $2,750,000. So this simple penny could resolve many of our issues we have at home.

Last March at our regular council meeting, we had a young lady, she was 15 years old, come to the council, wanted to be on the agenda. She was from the Hays Lodgepool Schools on a reservation. She said I am tired of drugs, tired of meth, and I want the council to do something about it with meth. I am tired of suicide, and I am tired of our people suffering. So I said, you know, I will bring you next time I come to D.C. I want to bring you to be my lobbyist. And she sent a very powerful message to us as a council and to the community. So even though last year when I said I see frustration during the sequestration, I said that last year.

One of the things that a lot of us that live in the trenches and see people every day that are suffering because there are no jobs, we see our veterans suffer from post traumatic stress, and so we need a lot of help for them, and get them into the system of working and feeling good about themselves. A lot of our testimony on roads, maintenance, forestry, we are all very short-funded. It is not really fun when you are sitting on a council and we have a major drug problem and people coming up from Mexico selling drugs, when our lives as councilmen, as law officers on reservations are threatened, to be shocked.

So those things are real, and I hope that someday that you would come and visit. I invite you to Fort Belknap Indian Reservation and give you a tour of what our needs are. We are trying to deal with a lot of our issues, our health issues. We just do not have the funding that would give us that opportunity. And so I am hoping that our budgets that we are asking for could be full. If it was not for Sacajawea in the 1800s in the Lewis and Clark expedition, a

lot of—Lewis and Clark would have starved, because of a lot of tribes helped and in January of 1806 fed them buffalo. And so there is a history of we help, and there are a lot of war veterans at home that need help. And so we just would like the return.

And my time is up, Mr. Chairman. Thank you.

[The statement of Tracy "Ching" King follows:]

TESTIMONY OF
Mr. Tracy 'Ching' King, President
Fort Belknap Indian Community
Fort Belknap Indian Reservation, Montana

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

April 25, 2013

I am pleased to be here today to provide information to this committee on the Bureau of Indian Affairs and Indian Health Service FY 2014 Budgets on behalf of the 7,000 Gros Ventre and Assiniboine Nations tribal members of the Fort Belknap Indian Reservation located in North Central Montana.

My testimony today is directed towards the Fiscal Year 2014 Appropriations budget of the Bureau of Indian Affairs, Indian Health Service and Education programs. Tribal governments, just like state and municipal governments, provide critical services, shape values, and promote jobs and growth on our respective reservations. Historically, federal spending for Indians has lost ground compared to spending for the U.S. population at large but tribal self-governments have proven that the federal investment in tribes pays off. Tribal Councils are the party responsible for our citizens and ultimately the ones most accountable for the economic conditions as well as the protection and safety of our tribal members who reside in our reservation communities. The following information is provided to you through the Fort Belknap Indian Community Council and in collaboration with the tribal programs funded through P. L. 93-638 programs contracted by our tribal government from each of the respective entities.

BUREAU OF INDIAN AFFAIRS
CORRECTIONS, LAW ENFORCEMENT & TRIBAL COURTS

Detention/Corrections (tribally operated)

- Requesting $1,500,000 in funding for additional staffing and equipment for our detention officers working in our new facility that will be completed in August 2013.

We need 18 staff members to cover rotating shifts, and operation and maintenance of the new facility and our remodeled older facility. The current budget for the Fort Belknap Corrections Division is $214,000, far less that what we need to operate a secure and safe environment for offenders that will occupy the facilities.

Law Enforcement & Criminal Investigation, & Public Safety

- We currently offer inadequate salaries for our law enforcement officers. Tribal police departments cannot compete for officers that are paid much higher salaries by county, state, and Bureau of Indian Affairs law enforcement agencies. Once trained in BIA academies, the officers then leave for higher paying jobs which include health insurance coverage and other benefits. The cost of training officers is very high and Tribes must cover the salary of the officer being trained for 12-16 weeks, and also their temporary replacements that provide law enforcement services while officers are are at training. Fort Belknap is requesting $1,750,000 for law enforcement services and criminal investigations as they combat drug abuse on our reservation.

Tribal Courts

- Requesting $350,000. to fund needed additional staff positions such as public defenders, associate judges, and presenting officers. We also need to update computer software/data collection systems, provide staff training and to complete the updating technology needs of our court filing system.

LAND & FORESTRY

Trust Natural Resources (Tribal Land Department)

- Requesting $2,000,000 to modernize our tribal land department. We need to purchase business solutions that implement technology which would put all of the tribal leases and land holdings onto software programs to make them compatible with the BIA as we prepare for the Cobell Buy Back Program implementation.

Forestry

- The Fire Management program requires $400,000 to efficiently operate a Wildland Fire program. Funds are needed to hire temporary workers, upgrade information technology, improve communication systems with portable handheld radios, maintenance on fire suppression trucks and thinning projects for forest protection.

ROADS MAINTENANCE

Roads Maintenance

- Our roads maintenance department is responsible for maintaining the reservation road system that encompasses the 725,000 acres of our reservation. Our current needs include snow removal, improving the reservation road system with overlay and regular maintenance. The bridges on our roads are near the critical stage of replacement. We also need to purchase equipment for the program. We need $3,000,000 for these activities.

TRUST LAND MANAGEMENT

Indian Water Rights and Water Compact Settlements

- We ask that you continue to recognize the Indian Water Rights of Tribes across this country. Fort Belknap is the home of the Winters Doctrine, where Indian reserved water rights began. This is the doctrine that protects and enhances these rights beginning with the U.S. Supreme Court decision in 1908. Support for water claims in Congress is now and will continue to be important. The Montana Congressional delegation has introduced the Fort Belknap Water Compact settlement in excess of $500 million to Congress in May 2011.

Irrigation Projects

- ***Requesting $1,250,000 for continued operation and maintenance of the Milk River Irrigation Project*** that provides quality water services to area farmers and ranchers for stock and crop production.

Litigation Support & Attorney Fees

- Additionally, ***we are requesting $450,000 for Water Rights Attorney fees funding under CFR 89*** to assist the Fort Belknap Indian Community Council with litigation and assistance now that we have submitted our Water Compact to Congress.

EDUCATION, EMPLOYMENT & TRAINING

Higher Education Scholarships

- Higher Education Scholarship funding for Indian students is needed to attract and support individuals into various professions. These students once graduated will come back to reservations and provide quality professional services to our tribal programs and tribal members. Increase funding level by $20 million nationally.

Tribal College Funding

- Increase the amount of funding for Aaniiih Nakoda College (formerly Fort Belknap College) and tribal colleges across the nation for students receiving funding in the amount of $8,000 per student as they currently only receive half of that amount.

Employment and Training Programs

- Requesting $2,000,000 for workforce training/development and summer youth employment programs to prepare tribal members for employment, and especially our young adults that would prepare them for future employment. We have over 400 adults and 900 youths needing employable training.

Wildlife & Parks Program - Bison Relocation

- We are requesting $300,000 for additional game wardens, equipment, vehicles and staff training for our Fish & Game department. Additionally, we request $250,000 for the Yellowstone Bison Relocation project to build corrals, provide quarantine testing facilities and purchase vehicles. Total requested is $550,000.

INDIAN HEALTH SERVICE

WATER TREATMENT PLANT

- Fort Belknap requests Operation and Maintenance costs for the following public water supply operations in the reservation communities. On Fort Belknap there are five (5) different water systems that serve the communities of the Agency, Lodge Pole, and Hays. We have a total of 3,000 water users from 591 service connections and it costs $776,498 annually to operate the system. Limited customer revenue and a small tribally paid subsidy generates $234,610, leaving a balance of $543,888, which the Tribe cannot afford. We are experiencing a shortage of operation and maintenance funds. ***We are requesting an annual funding amount of $750,000.*** to pay the operation and maintenance costs of these systems.

Special Diabetes Programs for Indians & Dialysis Center for Patients

- Additional funds for our diabetes patients need increased funding to properly diagnose and treat this deadly disease. ***We strongly support a funding level of $200 million annually for SPDI for Indian Tribes*** that desperately need dialysis centers on reservations as our people have to travel great distances to receive these treatments causing great hardship to them and also a financial burden on tribes that assist dialysis patients in going to their scheduled appointments.

Substance Abuse & Mental Health Services Administration (SAMHSA)

- Request that you increase the funding to SAMHSA grants to $15 million nationwide in order that Indian tribes such as Fort Belknap can apply for these funds and services.

Indian Professionals

- We fully support the Indian Health Scholarship funding for Indian students. This is a great opportunity that will assist in attracting and supporting students into the health professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members.

Suicide and Methamphetamine Treatment and Prevention Initiative

- We fully support the an increase to $16.4 million for this program. We have had 1 suicide and 4 attempts this past month. We also want the IHS to develop and utilize a distribution plan of these funds in order that all Tribes share equally.

I would like to take this opportunity to thank the members of this committee for taking the time to listen to the concerns and needs of the members of the Gros Ventre and Assiniboine Nations of the Fort Belknap Indian Reservation.

Mr. SIMPSON. Thank you.
Lester.

THURSDAY, APRIL 25, 2013.

KICKAPOO TRIBE OF KANSAS

WITNESS

LESTER RANDALL

Mr. RANDALL. Chairman and members of the committee, I appreciate the opportunity to speak before you today. My name is Lester Randall, and I am the vice chairman for the Kickapoo Tribe in Kansas. Our tribe is located near Wharton, Kansas. We have a total population of 1,634 members. I am also honored to serve on the Tribal Interior Budget Committee.

Through the meetings I have attended for the Tribal Interior Budget Council and the tribal budgeting process, I have developed a greater understanding of the critical needs faced by all tribes throughout the 12 native regions: putting our people back to work, ensuring they have accessible, affordable healthcare, and providing quality education to all the membership are our most important priorities.

These are the ugliest times we have faced as tribal leaders, and that is why I am here today.

The following are some of the Kickapoo Tribe's priorities. The most critical issue facing the Kickapoo Tribe today is the lack of reliable water source on the reservation. I handed your staff some pictures that show our only water source, the Delaware River. In the past, we have had to haul water on our reservation to support our residents, businesses, and tribal programs. And if the current drought cycle continues, we may very well have to repeat that.

We have been involved in a 30-year struggle to secure federally reserved water rights, to turn those water rights into wet water in the form of a reservoir. We refer to this as the Plum Creek Project. In 1996, the U.S. House of Representatives approved the watershed agreement between the Kickapoo Tribe and the watershed district. We had to file a lawsuit to have the watershed condemn the land needed for the reservoir. We ask for the continued assistance of the BIA in the form of financial resources and support of our litigation and settlement efforts, and for the funding necessary for construction. We support the BIA's fiscal year 2014 increase of $1.5 million for rights, protection litigation, and support.

Our next priority is an increase in funding for Indian Health Services. We are asking for $20 million to construct a new, full service health clinic and dental facility. There are four tribes in the State of Kansas, and all four tribes utilize our clinic, as well as other Native Americans in Kansas. Our current tribal clinic was built in the late 1980s as a daycare and a Head Start building. I also handed your staff some pictures showing the deficiencies of that facility. The lack of funding for contract health results in a situation where our tribal members are not seen in the clinic for preventive health, but only for critical care and treatment of illness.

This is destroying the health of our Kickapoo people and those who utilize our facility.

As tribal leaders, ensuring that our children are provided a quality education is another top priority. The Johnson-O'Malley program has been a valuable source for our children by providing some of the following educational needs: tutoring services, school supplies, athletic equipment, and prep courses, just to name a few. These expenses continue to be a hardship on our often poverty level students and their families. We support the increase in funding for the JOM program.

We also operate a Kickapoo Nation school, a K through 12 institution located on the reservation. We support the increase of $537,000 for BIE elementary and secondary schools. Many of our tribal members attend the region's tribal post-secondary institution, Haskell University, Southwestern Indian Polytech Institute, also known as SIPI. In the recent years, cost of tuition, books, and other school expenses has increased dramatically. We support the proposed increase of $6.2 million for BIE post-secondary schools.

Finally, I would like to talk about the sequestration and how it has had an effect on us. The sequestration has had a significant impact on Indian Country and our tribe. These cuts create a burden on tribal governments as we are searching for ways to stretch dollars between equally critical tribal programs. Currently, these cuts have reduced healthcare funding and higher education monies, money to effectively operate the Kickapoo Nation School. We have also been forced to restrict housing energy assistance, the money for vocational assistance, and training programs. Also, funding for social services has been cut, and we have already made cuts to our Head Start program. The sequestration has delayed prospective economic development endeavors indefinitely. The cuts to our community are a major violation of the trust responsibility of the Federal Government, and a breach to the treaty obligations.

The federal trust obligations have been significantly and historically underfunded. The result of any further cuts would be devastating to the operation of the tribal governments across the country and the communities in which they serve.

I respectfully request Congress to pass the 2014 fiscal year budget appropriations bill. Thank you, Mr. Chairman.

[The statement of Lester Randall follows:]

Testimony of Lester J. Randall
Vice-Chairman, Kickapoo Tribe in Kansas

Before the House of Representatives
Committee on Appropriations, Subcommittee on Interior
and Related Agencies
Hearing on FY 2014 Appropriations

April 25, 2013

Good afternoon Chairman and Members of the Committee. My name is Lester Randall and I am Vice-Chairman of the Kickapoo Tribe in Kansas. I am extremely grateful for the opportunity to provide testimony today. Our Tribe is located in Horton, Kansas. We have a total population of 1,634 members of which approximately 600 reside on or near our reservation. We operate a variety of Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs including the Kickapoo Health Clinic and the Kickapoo Tribal Police Department, under P.L. 93-638. The Tribe also operates the Kickapoo Nation School, a K thru 12 educational institution under a P.L. 100-297 contract with the Bureau of Education and the Kickapoo Housing Authority under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).

I am honored to also serve on the Tribal/Interior Budget Council (TIBC). Through those meetings and the tribal budgeting process, I have developed a greater understanding of the critical needs facing different tribes and regions throughout the country. Putting our people to work, ensuring they have access to affordable healthcare and providing quality education to the Kickapoo membership are our most important priorities. These are the ugliest and worst times I've faced as a tribal leader, yet these federal priorities reflect the challenges that face Kickapoo tribal members daily and I deeply appreciate your invitation to speak here today.

Today I would like to take this opportunity to offer the following comments for FY 2014 Appropriations:

1) Increase overall funding for Indian Health Services

a) The Kickapoo Tribe is in desperate need of an updated tribal health clinic. A conservative estimate for a new Kickapoo Health Clinic will cost $20 million. Our current facility is operating in a renovated daycare center that is poorly designed and equipped with outdated technology and inadequate and deficient equipment. The unsuitable layout of the clinic creates confusing procedures, concerns over patient privacy and an overall distrust in clinic processes. We are further plagued with staff shortages which create training gaps, delays in referral documentation and a lack of effectively delivering care. This is devastating considering the tribal health clinic serves a low-income to poverty level population that is already at high risk for diabetes, high blood pressure, dialysis and other ailments that afflict our people on a daily basis. A new

clinic is essential to build confidence in our tribal healthcare program and maximize patient outcomes. Although the proposed IHS budget for FY 2014 has a small increase, there is no real increase to the services budget beyond staffing and facility costs even though costs of healthcare have risen significantly. We need a more considerable increase in funding to maintain existing services at our facility.

b) Appropriations for Contract Health Services (CHS) are crucial to the welfare of our tribal membership. While CHS has been historically underfunded, the cuts occurring at the present time create a devastating trend where tribal members who were at one time examined routinely for preventative healthcare are now being seen only in instances of critical care and treatment. We need a major increase in Contract Health Care beyond that currently proposed in the preliminary IHS FY 2014 requests. The lack of funding for Contract Health are non-discriminate and affect all tribal members-from elders in our community to unborn children. Furthermore, the economic downturn has significantly impacted the ability of our tribal members to afford vehicles and/or gasoline for transportation to their requisite appointments. CHS monies are critical in providing funds appropriate and necessary for transportation to healthcare appointments and for specialty vehicles that are vital for medical transportation. Another unfortunate consequence of reduced CHS funding is that tribal members whose medical expenses are no longer being covered are frequently being sued in state and/or tribal courts for medical bills. In some cases, creditors have levied liens against our members, tried to withhold per capita payments to satisfy these charges and as a result their overall credit worthiness suffers dramatically.

2) Indian Education

Education promotes critical thought and throughout our lives increases self-esteem and an overall greater understanding of our world. Education is not simply what is taught in the classroom, but includes all aspects of what makes up a child's life as a student: tutorial services, laboratory time, athletic equipment, post-secondary entrance exams, preparation courses, and the simple ability to participate in graduation ceremonies. Those expenses continue to be a hardship on our often poverty level students and their families.

The JOM program has long been a tangible resource that we have relied on in Indian County to address the basic educational needs of our children. Currently, an increase is needed from current underfunded FY 2014 budget levels. This is of significant importance as the JOM Indian student count used to calculate funding was frozen in 1995. While the number of students who qualify for JOM funds has increased due to the economic factors faced by most of the county, the actual funding that reaches each qualifying child has actually decreased. As such, many students go without the basic educational tools that most students take for granted.

The direct services provided under the JOM program create the resources that allow for our students to be successful in school and beyond. JOM serves as a bridge to Indian Children from what they lack in economic resources to what they can achieve through education.

The Kickapoo Tribe in Kansas operates Kickapoo Nation School (KNS)-the only Native American K-12 educational institution in Kansas. KNS operates under a contract

with the BIE, which the Tribe supplements. The Tribe supports an increase of $537,000 for BIE elementary and secondary schools.

Many of our tribal members attend the region's tribal post-secondary institutions- Haskell Indian Nations University and Southwestern Indian Polytechnic Institute. In recent years, costs for tuition, books and other school expenses have increased dramatically. We support the proposed increase of $6.2 million for BIE post-secondary schools and the increase of $3,710,000 for postgraduate study in science, other scholarships and adult education.

3) Appropriations for Bureau of Indian Affairs (BIA) technical support

The Tribe would ask for an increase in the appropriations that provide for the adequate Bureau of Indian Affairs (BIA) technical assistance to tribal governments to enhance their ability to successfully and efficiently contract bureau programs. Self-Determination and Self -Governance are the keystone of many Indian policies, however, we are often slighted when dealing with our Trustee, the federal government. We as Indian Tribes and Tribal governments are often hindered in dealing with the enormous set of regulations and rules that the federal government imposes on us. Often times, when we reach out to the federal government and ask for the legally required technical assistance, we are given hollow promises for support or referred to other agencies and/or departments for help.

True Self Determination under Treaty Obligations should mean an equal footing to tailoring contracted programs and services to meet the needs of our people, not a hamstrung program that is on its face designed to either fail and return those programs to the federal agencies from which they arose or to place additional burdens on our already stretched tribal budgets where in essence we are worse off than we were before. In the preliminary BIA budget request, aid to tribal governments is slashed by $4.4 million even though the Southern Plains Region itself needs an increase of over $350,000 from the current underfunded levels. Appropriations for technical assistance empower tribes and promote true Self-Determination at a time when the sovereignty and strength of tribal governments continue to be more fully exercised.

4) Public Safety and Justice

Tribes cannot exercise true sovereignty if its membership does not feel safe. With the passage of the Tribal Law and Order Act (TLOA) and the renewal of the Violence Against Women Act (VAWA), tribes are hopeful that there will be increased justice on tribal lands. But while the federal government has increased its involvement and responsibility for public safety in tribal communities, providing public safety in tribal communities still rests foremost on the underfunded shoulders of tribal governments. We are concerned that in the proposed FY 2014 BIA budget requests, $2.6 million of the Operation of Indian Program cuts are from law enforcement special initiatives. Funding is necessary to assist tribal law enforcement agencies and tribal governments in their efforts to curtail criminal activity and to engage competent judges, prosecutors and ancillary court staff to administer justice.

5) Human Services

As leaders we must acknowledge and honor the past of our elders as well as the future of our children by ensuring they remain safe and protected in their homes and on their homelands. Adequate appropriations for human services will help improve the quality of life of individuals who live on or near Indian reservations by providing direct assistance in the protection of children, the elderly and the disabled. We ask for $100,000 in funding for our human service programs. These monies will also assist the tribe in providing basic needs to our most disadvantaged tribal members—food, clothing, shelter and supplemental assistance for utilities.

6) Kickapoo Water Settlement Negotiations

The Kickapoo Tribe has been involved in a decades-long struggle to secure its federally reserved water rights and to turn those rights into "wet water," in the form of a surface storage project and reservoir. Over the past 6+ years this has necessitated the bringing of a lawsuit to enforce contractual promises made to the Tribe 20 years ago by a local watershed district with which we had partnered. The Tribe requires the continued assistance of the BIA in the form of financial resources to support our litigation and settlement efforts, and then will require the appropriations necessary to construct the project once the litigation reaches a successful resolution. As such, the Tribe supports the BIA's FY 2014 increase of $1.5 million for rights protection litigation and support.

7) Impacts of Sequester

The sequestration has had a significant impact in Indian Country and on the Kickapoo Tribe in Kansas. These cuts create an already strained burden on our tribal government as we are searching for ways to stretch dollars between equally critical tribal programs. Currently, these cuts have reduced healthcare funding, higher education monies for tribal members and money to effectively operate our Kickapoo Nation School. We have also been forced to restrict housing energy assistance, money for vocational assistance and training programs, funding for social service programs, and have made cuts to our tribal Head Start program. Other tribal programs and departments have also been adversely affected and we have delayed prospective economic development endeavors indefinitely.

The cuts to our community are a major violation of the trust responsibility of the federal government and a breach of treaty obligations. The federal responsibility to tribal governments is not the catalyst creating the deficit yet tribal governments are "bearing the brunt" of these reductions. These cuts do not only impact programs at the federal level but are felt deepest in our already depressed rural population. The federal trust obligations have been significantly and historically underfunded and the result of further cuts will be severe destruction to the operation of tribal governments across the country and the communities which they serve. I respectfully request Congress pass the FY 2014 appropriations bill.

Mr. SIMPSON. Thank you, appreciate it.
Brian.

THURSDAY, APRIL 25, 2013.

UNITED SOUTH AND EASTERN TRIBES, INC.

WITNESS

BRIAN PATTERSON

Mr. PATTERSON [speaking native language]. gets my Oneida name, Big Fire. I give greetings to good heart, good mind. Thank you, Chairman Simpson. Hopefully the same sun that is shining today is shining in the homeland of the great beautiful State of Idaho. I would also like to recognize the Honorable Representative McCollum, and express my heartfelt gratitude to you for recently taking time out of your schedule to sit with our USET children during a close up visit and provide your thoughts, leadership, and your demonstrative commitment of concern in well-being for the children of the United South and Eastern Tribes family.

I am the President of the United South and Eastern Tribes, USET. We are a family of 26 federally recognized tribes from Texas to Florida up to Maine. While we hold a wide geographic area, we have a wide platform on economic and social issues. We have tribes with highly developed economies, as well as tribal family within our family with little or no economic development. However, we remain united in our mission in advancement of the fulfillment of the sacred trust responsibility. So I am very much appreciative and an acknowledgment of gratitude for you taking your time assembling this full scope of leadership in these 2 days of hearings. As our teachings tell us, those who touch our people's lives to be an expression of gratitude is given, so I acknowledge that. Thank you for assisting us in our quality of life, and the honor you have bestowed upon me, allowing me to testify on behalf of the leadership of our USET tribes.

My main point today is that any discussion regarding the funding of federal Indian programs should be framed in two principles: first, the fulfillment of the sacred trust responsibility, and second, by American values. Values, as defined by our founding fathers, as written into the United States Constitution, and also values that were recently recognized as recent as the 100th Congress when they recognized the historical debt that my confederacy gave to this country in the demonstration of enlightened Democratic principles of government in that declaration. So we acknowledge that as an American value, a value of patrimony for this great country.

With regards to the trust responsibility in as recent as 1977, the American Indian Policy Review Commission stated, and this official commission demonstrated how far the trust responsibility is supposed to reach. The purpose behind it, and I quote in part, "the purpose behind the trust is, and always has been, to ensure the survival and welfare of Indian tribes and its people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self government, and also includes those economic and social programs that are necessary to

raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society."

With regards to American values, the federal budget should reflect the best of these values. For example, under sequestration, the Veterans Administration hospital system is exempt from budget cuts. That effect demonstrates a great American value, fulfilling the commitment, the honor, and obligations to those who put their lives on the line to defend American freedom. We are glad that our Indian people are also into these American values. We have suffered the highest fatality rate per capita and highest engagement level than any other people's per capita. However, I would also point out it is not an American value that the Indian Health Service is not exempted, putting the life, health, and well-being of generations of native people at risk in a system that already strains to deliver basic healthcare. Similarly, the sequestration exempted many low income programs such as family support programs, Temporary Assistance for Needy Families, demonstrating the great American value that we will leave nobody behind when it comes to the basic needs. We applaud this effort, and in fairness and direct correlation, but it does not stop there. Indian Country should be held harmless across the board in exchange for our land, our water. The sacred promise was made and codified in treaties and other sacred obligations. This country has given its word to Indian Country.

But yet, sequestration applies fully to virtually all federal Indian programs, even though many native communities suffer the worst in social economic statistics in the country, largely due to federal action and policies in place over the past 200 years. The application of sequestration to native programs is not an American value.

Viewed from the framework of the trust responsibility and American values, USET submits the funding for federal Indian programs is not discretionary, but rather, mandatory, a sacred obligation. Federal Indian programs should be consistently funded at a rate that exceeds the rate of inflation in order to achieve real progress in closing the service gap for native people. Shockingly, by example, the BIA budget has declined as a percentage of the total federal budget by 1/3 since 1995. Additionally, the BIA has received the smallest percentage increases since fiscal year 2004, among the six largest agencies within the Interior. It seems that Indian people find ourselves in a system that represents unfairness as we have to compete and it often presents a conflict when it comes to people versus funding type of platform. So USET respectfully ask that this subcommittee support funding increases for federal Indian programs.

In the 111th Congress, we are very much appreciative of the effort of this subcommittee in your advancement of a clean Carcieri fix. USET asks that you renew this commitment, this effort for fair and equal treatment of all tribal nations, and in addition, support the PATCH Act patch, which would reverse the Supreme Court's decision that provides that even up to 6 years after land has been taken in the trust, a suit can be brought challenging that decision. We appreciate the leadership. We are very grateful, and we ask that you renew that effort to pass a clean Carcieri fix, for both of

those holdings are severely hampering the social and economic development in Indian Country.

Beyond your role as subcommittee members, I would like to broach tax rights and parity, as it can assist in the self-determination of Indian people. With the stress on the federal budget, tribal tax rates become even more important, both for economic reasons of self-sufficiency and a matter of sovereignty. USET is working on a proposed tax legislation that will address a number of inequities in the tax system, including the lack of parity for tribal governments. We ask this subcommittee to be supportive in our efforts as we work on addressing the larger budget picture for all of Indian Country. It seems that these issues, along with Carcieri and PATCH Act serve as disincentives for our ability to advance our agenda.

The USET family, we recognize the challenging times for our country. The historic record demonstrates that nobody has sacrificed more for America than Indian Country; therefore, we ask this subcommittee create a budget based on American values that reflect a trust responsibility and fair dealing for Indian tribes.

I am very grateful to sit with you today. Thank you.

[The statement of Brian Patterson follows:]

Testimony of Brian Patterson, President
United South and Eastern Tribes, Inc.
Before the
House Interior Appropriations Subcommittee
On the FY 2014 Budget for Native Programs

Thursday, April 25, 2013

Introduction. Chairman Simpson, Ranking Member Moran and members of the Committee, my name is Brian Patterson. I serve as president of the United South and Eastern Tribes, Inc. (USET), as well as on the Men's Council of the Oneida Nation of New York. Thank you for this opportunity to testify regarding the budget priorities of USET.

USET is an inter-tribal organization representing 26 federally recognized Tribes from Texas across to Florida and up to Maine. The USET Tribes are within the Eastern Region of the Bureau of Indian Affairs (BIA), covering a large expanse of land area compared to the Tribes in other BIA Regions. Due to this large geographic area, the Tribes in the Eastern Region have great diversity. From an economic standpoint, some of our member Tribes have highly developed economies, while others remain mired in poverty. All of our Tribes, however, look to the United States to live up to its trust responsibility, to support Tribal sovereignty, and to work with us on a government-to-government basis, especially on a matter as central to the trust responsibility as Federal budget policy.

The Role of this Subcommittee – Defending American Values. The role of this Subcommittee, or that of any of the Appropriations subcommittee, is ultimately not about dividing up money and power, but rather determining, deciding and defending American values. For example, under budget sequestration the Veterans Administration's hospital system is exempt. That demonstrates a great American value – fulfilling the commitment to honor our obligations to those who put their lives on the line to defend American freedom. I think we can be confident that the VA subcommittee will defend this exempt status in the VA budget. However, it is not an American value that the Indian Health Service is not exempted, putting the life, health and well-being of generations of Native peoples at risk in a system that already strains to deliver basic healthcare. This Subcommittee can and should fund the IHS at a level that would offset the sequester amount and in doing this defend another great American value – our Nation's commitment to its First Peoples.

Similarly, the sequestration exempted many low-income programs (*e.g.*, Child Care Entitlement to States; Child Health Insurance Fund; Family Support Programs and Temporary Assistance for Needy Families) demonstrating the great American value that we will leave nobody behind when it comes to basic needs.

And yet, the sequestration applies fully to virtually all Federal Indian programs, even though many Native communities suffer the worst social and economic statistics in the country, largely due to Federal action and policies in place over the last two hundred years. The application of sequestration to Native programs is not an American value. Federal budget problems should not be addressed on the back of Native peoples. USET respectfully asks that this Subcommittee support funding increases for Federal Indian programs that consistently exceed the relevant rate of inflation in order to achieve real progress in closing the services gap for Natives. At a minimum, Federal Indian programs should be held harmless from any reductions coming from sequestration or similar future draconian cuts, just as other low income programs are held harmless. As described below, Federal Indian program should not be deemed discretionary, but rather mandatory.

The Constitution, Indian Tribes, Treaties and the Laws of the United States. From the earliest days of the United States, the Founders recognized the importance of America's relationship with Native nations and Native peoples. They wove important references to those relationships into the Constitution (*e.g.*, Art. I, Section 8, Cl. 3 (Indian Commerce Clause); Article II, Section 2, Cl. 2 (Treaty Clause).

Natives influenced the Founders in the development of the Constitution as recognized by the 100th Congress, when the Senate and the House passed a concurrent resolution acknowledging the "historical debt" the United States owes to Indian tribes.

> [O]n the occasion of the 200th Anniversary of the signing of the United States Constitution, acknowledges the historical debt which this Republic of the United States of America owes to the Iroquois Confederacy and other Indian Nations for their demonstration of enlightened, democratic principles of government and their example of a free association of independent Indian nations;....

S. Con. Res. 76, 100th Congress. One has only to walk the halls of the Capitol to see many works of art and sculpture that depict the central role that Native nations have played in the development of America's national identity. Not depicted on the walls of the Capitol are the many injustices that Native peoples have suffered as a result of Federal policy, including Federal actions that sought to erode Native territories, learning, and cultures. Out of those injustices, and from other legal sources, there has arisen a Federal trust obligation to support Native governments and Native peoples.

The Indian provisions in the Constitution were given immediate life in treaties that the United States entered into with Indian nations beginning with the Treaty with the Delaware in 1778 and continuing through another 373 treaties. Additionally, in the first decades of the United States, numerous laws were enacted addressing the details of the Federal-Tribal relationship (*e.g.*, Trade and Intercourse Acts of 1790, 1793, 1796, 1799, 1802, and 1834), even as the Federal courts defined the Federal government's trust obligation to Indian nations (*e.g.*, *Cherokee Nation v. Georgia* (1831)). Notwithstanding this Constitutional foundation, the Federal government engaged in many actions that

betrayed the treaties and trust obligation to Indian nations, such as the seizure of Indian lands and the forced assimilation efforts of the Indian boarding school system. Fortunately, American greatness has led to more enlightened policies since the boarding school era, reflected in a host of laws that support tribal sovereignty and are critical to the vitality and well-being of tribal communities. Regrettably, these laws are rarely funded to the level necessary to achieve their intended purposes.

Because of this history, the Trust obligation of the Federal government to Native peoples, as reflected in the Federal budget, is fundamentally different from ordinary discretionary spending. As a 1977 U.S. Congress/American Indian Policy Review Commission Report stated:

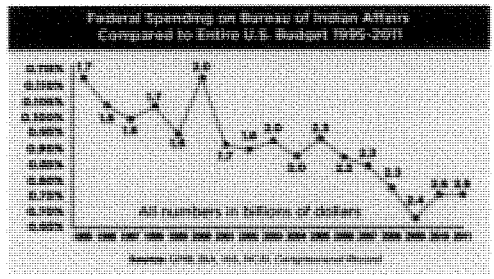
> The purpose behind the trust is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs that are necessary to raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society.

***Carcieri* and *Patchak* Fixes.** Several years ago, this Subcommittee included *Carcieri* fix language in its appropriations bill. In doing so, this Subcommittee was seeking to overturn the unjust Supreme Court decision in *Carcieri v. Salazar* which has led to two classes of Tribes – those that can take land into trust and build up their communities and those that cannot. Such distinctions do not reflect American values. USET asks that this Subcommittee take up the fight for fair and equal treatment of all Tribal nations and, once again, advance a *Carcieri* fix. We also ask that the Subcommittee support a *Patchak* fix, a ruling which affects every Tribe by providing that even up to six years after land has been taken into trust a suit can be brought challenging that decision. *Both of these holdings are severely hampering economic development in Indian Country*

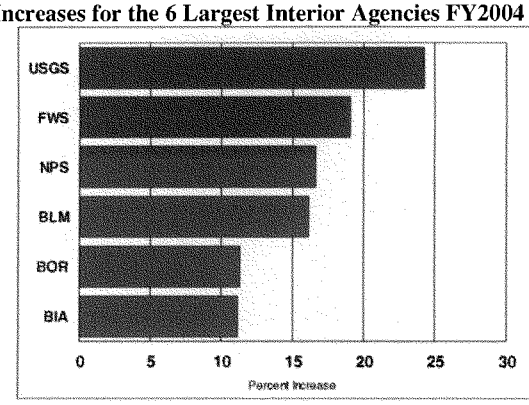
Inflation and the Budget for Federal Indian Programs. In evaluating whether the Federal budget fulfills the Trust responsibility, USET believes that it is critical to take into account the affects of inflation. From FY 2002 through FY 2008, despite annual increases, after taking into account the affect of inflation, most Federal domestic programs, including the Indian programs, saw a purchase power decrease of approximately 14%. The large budget increase in FY 2009, including ARRA funding, was approximately enough to make up for this effective cut and bring the purchase power of Indian programs back to FY 2002 levels, but in the intervening 12 years, Indian country needs have grown substantially. And, of course, the FY 2002 levels were inadequate to address the needs of Indian country or to fulfill the Federal government's trust obligation.

In a very real way, the budget of the United States government reflects the values of the American people. Courtesy of the National Congress of American Indians (NCAI), set forth below is a chart that depicts the percentage of the Federal budget dedicated to funding the BIA. As you can see, as a percentage of the overall budget, the BIA budget

has declined from .115% in FY 1995 to .075% (correcting chart typo) in FY 2011, approximately a one-third decline as a percentage of the overall budget (despite a small bump up in FY 2010). Below that chart is another which demonstrates that over the last ten years, when funding increases have come to the Department of the Interior they have been greater for other major agencies within the Department than for the Bureau of Indian Affairs.



Budget Increases for the 6 Largest Interior Agencies FY2004 to FY 2014



Support Tribal Sovereignty in the Area of Taxation. With the stress on the Federal budget, Tribal tax rights become more important, both for economic reasons of self-sufficiency and as a matter of sovereignty. USET is working on proposed tax legislation that will address a number of inequities in the tax system, including a lack of parity for tribal governments. We ask that this Subcommittee be supportive of this effort as we work on addressing the larger budget picture for all of Indian Country.

Conclusion. USET recognizes that in challenging times, all Americans must be called upon to sacrifice for the common good of all. USET suggests, however, that when it comes to sacrificing for the good of all Americans, the historic record demonstrates that nobody has sacrificed more than Native Americans. We ask that this Subcommittee create a budget based on American values that reflects the trust responsibility and fair dealing for Indian Tribes.

Mr. SIMPSON. Thank you.

Betty.

Ms. MCCOLLUM. Well Brian, I think you summed it up well. Sequestration did not reflect American values, and I know the chairman and many of us are working on that.

Thank you all for your testimony and for your understanding when I stepped out for the few minutes I did to attend another hearing. Thank you.

Mr. SIMPSON. Thank you all for being here today. I think it is the first time we have heard testimony on these Indian hearings about the need for fuel reductions. It is a concern we have also with the budget, believe me, and tomorrow we will be talking to some agencies about that.

So anyway, I appreciate all of your testimony very much. Thank you. Hearing will be adjourned. We will be back at 1:00 p.m.

THURSDAY, APRIL 25, 2013.

AFTERNOON SESSION

Mr. SIMPSON. The Committee will come to order.

Good afternoon and welcome to the fourth and final public witness hearing over yesterday and today specifically for American Indians and Alaska Native programs under the jurisdiction of the Interior and Environment Appropriations Subcommittee. I especially want to welcome the distinguished tribal elders and leaders testifying today and in the audience. You deserve to be heard from more than the 5 minutes that we have allotted today, and I want you to know that you have an open invitation to call on me or my staff directly so that we can schedule more outside time if necessary.

Despite a somewhat abbreviated hearing schedule this year, I am proud this subcommittee is able to hold hearings on these very important programs. They have been and will continue to be a bipartisan funding priority of this subcommittee.

The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using the timer to track the progress of each witness. When the button turns yellow, the witnesses will have 1 minute remaining to conclude his or her remarks. When you see the blinking red light, I am going to have to ask you to stop or about in that neighborhood. This is not out of disrespect or anything but out of respect for more for your time and for ours as this is a busy day on Capitol Hill, and no doubt everyone testifying today has a schedule to keep, including members of the committee.

Members will be provided an opportunity to ask questions of our witnesses. In the interest of time, the chair requests that we keep things moving in order to stay on schedule. We will also have votes they tell me now between 1:00 and 1:30 or whatever, so we would like to get the testimony of the first panel and before we have to run off for a few minutes to cast votes.

Our first panel is from Oklahoma. Do you want to introduce the first panel since they are from your state?

Mr. COLE. Bill John Baker, Principal Chief of the Cherokee Nation; Chief Thomas Gamble, the Miami Tribe; and Lieutenant Governor Amber Bighorse-Suitor of the Cheyenne and Arapaho Tribes.

Mr. SIMPSON. All from the great State of Oklahoma. Bill is first.

THURSDAY, APRIL 25, 2013.

CHEROKEE NATION

WITNESS

BILL JOHN BAKER

Mr. BAKER [speaking native language]. Chairman Simpson, Mr. Cole, Ms. McCollum, members of the subcommittee, thank you for the opportunity to testify before you today. My name is Bill John Baker. I am principal chief of the Cherokee Nation. The Cherokee Nation is proud of what we have accomplished under self-governance. We are proud partners with the Department of Interior and

we are pleased the Department and this Administration continues to support tribally owned businesses.

However, we continue to be disappointed that the Government does not meet its obligations. It does not treat sovereign tribal nations the way it treats other federal partners. The United States has a legal obligation and trust responsibility to 566 tribes. This responsibility was established by treaties and agreements where sovereign tribal governments agreed to cede the land in exchange for federal commitments. If the government would meet its responsibility or even come close, we could provide even more efficient levels of healthcare, education, and housing.

Policies of self-determination have worked well for our nation. Just recently, the Nation and the Cherokee Nation businesses announced that the next $100 million of our business profits will go toward expanding our healthcare system. The Nation supports 1.2 million patient visits annually. As a comparison, it is slightly more than John Hopkins community physicians.

We are going to build health clinics and a hospital creating jobs in our communities while shortening lines and ultimately providing better healthcare for our people, people like Debbie, a Cherokee citizen who lives in the Vinita, Oklahoma, who recently was diagnosed with diabetes. She worried about affording treatment for such an expensive disease, but because of our new clinic, she is able to receive care in her hometown. If our budgets had not been reduced because of failure to fully comply with contract support costs or projected losses due to sequestration, we could do even more.

This is not trust issue; it is a civil rights issue. Indian tribes are the only federal partner forced to pay these costs up front. When the Federal Government does not fully pay contract support costs to tribal partners, it means we have to reduce services we provide to our people.

I am thankful that IHS received an increase in the President's budget. However, I am frustrated that the same budget also proposes a cap on IHS and BIA contract support cost payments. The Federal Government is not treating us like other federal partners and is failing to meet its trust responsibility and fully fund programs like IHS.

This is only a backdrop to the current cuts due to sequestration. The Congressional Research Service states that certain tribal and Indian trust accounts—all prior legal obligations of the Federal Government—and Indian Health Service and facilities should be exempt from sequestration cuts.

Why was Indian Health Service not protected when Social Security, Medicaid, and numerous other programs were exempt from sequestration cuts? The Cherokee Nation spends a federal dollar better than any federal agency ever could. The Nation audits are clean; our treasurer operates our finance department with a standard of excellence in efficiency and effectiveness that should be rewarded. Instead, the Cherokee Nation is forced to cover the shortfalls caused by Congress forcing us to reduce direct services, quality care, and funding for our healthcare programs.

The Cherokee Nation has been successful in providing for our citizens, but there is so much more we can and will do if the Fed-

eral Government will honor its legal duty to sovereign tribal governments. We asked the Federal Government to fully fund IHS support costs, support our schools, assist with safe and affordable housing, and start treating Cherokee Nation the way it treats other federal partners.

Furthermore, I urge this committee to strongly oppose efforts to impose a cap on contract support cost. Neither I nor other tribal leaders should have to stand before this committee reminding the United States of its obligations. These are outlined in agreements, treaty after treaty and law after law. I urge you to fulfill the trust obligation owed to the Cherokee Nation and to every other tribe in Indian Country. [Speaking native language.]

[The statement of Bill John Baker follows:]

Principal Chief Bill John Baker
Cherokee Nation
Testimony before the House Interior Appropriations Subcommittee
April 25, 2013

There are some Members of Congress, though I do not believe they are the ones here today, who believe tribal leaders come to Congress looking for a handout. This is simply not true. I represent the great Cherokee Nation and am honored for the opportunity to share our successes and frustrations with you. We are proud of what we've accomplished under self-governance. We are proud partners with the Department of Interior, and are pleased the department and this administration continues to support tribally-owned businesses in government contracting, which is critically important for our nation and all of Indian Country. However, we are disappointed that the government has failed to meet its obligations and does not treat sovereign tribal nations the way it treats other government contractors.

The United States has a legal obligation and trust responsibility to 566 tribes. This responsibility was established by treaties and agreements – where sovereign tribal governments agreed to cede land in exchange for many promises. While the Cherokee Nation strives to the meet the needs of our people, the federal government has failed to comply with its legal and trust obligations. If the government would meet its responsibility, or even come close, we could do so much more for our people in terms of health care, education, and housing, just to name a few examples.

Policies of self-determination have worked well for our Nation. Just recently the Nation and Cherokee Nation Businesses announced the next 100 million dollars of our business profits will go towards expanding our healthcare system, which supports 1.2 million patient visits annually; as a comparison, this is slightly more than Johns Hopkins Community Physicians. We are going to build health clinics and a hospital – creating jobs in our community – while shortening waiting lines, and ultimately providing better care for our people. People like Debbie, a Cherokee citizen who lives in Vinita, OK, who was recently diagnosed with diabetes. She worried about affording treatment for such an expensive disease, but because of our clinic, she is able to receive care in her hometown. If our budgets had not been reduced because of failure to fully pay contract support costs, or projected losses due to sequestration, we could do even more.

Because we operate the largest tribal health care system in the United States, our success depends on whether we have funding to cover fixed costs. This is more than a trust issue, it is a civil rights issue, since Indian tribes are the only federal contractors forced to pay these costs up front. When the federal government does not fully pay contract support costs to tribal contractors, it means we have to reduce services we provide our people. While I am thankful that IHS received an increase in the President's budget, I am frustrated that the same budget also proposes a cap for each tribe on IHS and BIA contract support cost payments.

The federal government is not treating us like other contractors, is failing to meet its trust responsibility and fully fund programs like IHS. This is only the backdrop to our current cuts due to sequestration. Surely, no one here believes the sequester cuts are blind, across-the-board cuts. The Congressional Research Service states that certain Tribal and Indian trust accounts, all prior legal obligations of the federal government, and Indian Health Services and facilities should be exempt from sequestration cuts. Why was Indian Health Services not protected when Social Security, Medicaid, and numerous other programs designed to help the least among us were exempt from sequestration cuts?

The Cherokee Nation efficiently spends a federal dollar better than any federal agency ever could. The nation has continuously received unqualified, clean audits with no material weaknesses identified. Our Treasurer operates our Finance Department with a standard of excellence in efficiency and effectiveness, which should be rewarded. Instead, the Cherokee Nation is forced to cover the shortfall caused by Congress, forcing us to reduce direct services, quality of care, and funding to our health care programs.

The Cherokee Nation has been successful in providing for our citizens, but there is so much more we can and will do if the federal government will honor its legal duty to sovereign tribal governments. I'm simply asking the federal government to fully fund IHS, support our schools, assist with safe and affordable housing, and start treating Cherokee Nation the way it treats other government contractors. I urge this committee to increase funding for IHS and fully pay contract support costs – and strongly oppose efforts for a cap. Neither I nor any other tribal leader should have to stand before this committee, reminding the United States of its obligations. They are outlined in agreements, treaty after treaty, and law after law. I urge you to fulfill the trust obligation owed to the Cherokee Nation and to every other tribe across the country.

Mr. SIMPSON. Thank you, Chief.
Mr. Gamble.

THURSDAY, APRIL 25, 2013

MIAMI TRIBE OF OKLAHOMA

WITNESS

THOMAS E. GAMBLE

Mr. GAMBLE. Thank you. I would like to address the panel here, Chairman Simpson, Mr. Cole, Ms. McCollum, Ms. Pingree. Okay. We are the Miami Tribe of Oklahoma and we are located in the very northeast part of the state. We share Ottawa County with nine other tribes, which are in some ways helpful, in other ways competitive in nature. Our population bases in areas are quite low. So what we have tried to do overtime is to economically develop to work with the shortfalls that we have been experiencing over the last decade in IHS budgets and in BIA budgets and HUD budgets and all the other ones where we depend on for a lot of our growth over the years.

Economic development in this part of the country is somewhat harder to do than maybe in most areas. One reason is due to population and the other one is that Ottawa County is home to the largest Superfund site in the United States, so that inhibits growth of our people that would talk to us for businesses. It is just not an attractive area. So we still very much rely on the federal budgets for environment, for healthcare, for nutrition, for many of the services that do what we call essential government services. Essential government services is what we owe the membership of the Miami Tribe.

So that is why we are here today. We are here today to say it takes time. It takes a lot of time to become self-sufficient and support 4,200 tribal members with our main goal being the education of our youth where we have established a number of scholarships and number of relations so that they get the opportunity to get secondary education. Hopefully, by that time our economic development goals will be met and then the graduating kids can come back and maybe work for the tribe.

And that is our goal to work this way is to build a community that has been left in history with the relocation of the Miamis in the early 1800s to Kansas. And then our short history in Kansas was 40 years and a lot of pressure came into Kansas due to the Civil War. And again, we were relocated in the 1890s to Ottawa County, and that was going to be our last move, and I pretty sure that that is going to be the last place that we are.

You know, I would like to strongly ask, you know, that tribal programs throughout the states be exempt from sequestration and that we get to the 2014 budget so that we can have a good look at what tasks are ahead of us. And we will continue our goals of economic development and self-determination and self-independence through economic development. We just do not know how long it is going to take.

Some of the essential government services are safety. We have a number of programs in Alcohol Abuse Awareness, Indian Child Welfare, and now, the Violence against Women. We are underfunded to do this. Even though we fully fund our tribal courts, our police protection, and law enforcement, they are in adequate in ways. Also, in the environmental department or the environmental outlook with Superfund site and the contamination of lead, cadmium, and zinc, we would like to continue our efforts to protect our homelands and people that live on them from having to ingest lead or cadmium. And I think Congressman Cole is very familiar with that area. They are working hard but it is still a long way away.

The ability for nutrition is one that we would like to and we will provide 500 to 550 meals a day and 120 meals would be just the shut-ins. Some of their best nutrition comes through that program, and so it would hurt us hard if we had to come up with that kind of money.

So I see stop. Am I stopping?

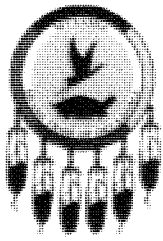
Mr. SIMPSON. Well, you have got a little bit of time. We have a little leeway.

Mr. GAMBLE. Okay. Okay.

Mr. SIMPSON. A little.

Mr. GAMBLE. But the main thing is here, as Principal Chief Baker said, is, you know, diabetes is running rampant within Indian Country and these federal monies and the nutrition programs are designed that these diets are not of that nature. We are starting to see a lot of diabetes development in children, type II diabetes in children under the age of 14. So that is a lot of help that they need because if it is a poor diet that causes a short life or an unproductive life.

[The statement of Thomas E. Gamble follows:]



Miami Tribe of Oklahoma

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

Chief Tom Gamble, Miami Tribe of Oklahoma
Testimony on American Indian/Alaska Native Programs

April 17, 2013

Mr. Chairman, Ranking Member and Members of the Committee, thank you for inviting me to testify today on federal appropriations for American Indian and Alaska Native Programs. My name is Tom Gamble. I am the Chief of the Miami Tribe of Oklahoma.

Introduction

The Miami Tribe's ancestral homelands encompassed lands in Illinois, Indiana, Ohio, Michigan and Wisconsin. After the United States forcibly removed the Tribe from it homelands, the Tribe finally settled in what would become northeastern Oklahoma. Despite the hardships inflicted upon our Tribe, we now have a population that is 4,166 strong. The Miami Tribe is a federally-recognized Indian tribe organized under the Oklahoma Indian Welfare Act of 1936.

The removal of the Miami Tribe from our acestral homelands and the displacment of the Tribe's traditional economic resources resulted in a number of challenges for the Tribe. Our current land base in northeastern Oklahoma is far from major metropolitan areas. The nearest major city, Tulsa, is 90 miles away. The area where the Tribe is currently located includes a forty square mile environmental superfund site and has been designated by the United States Small Business Adminsitration as a "Historically Underutilized Business Zone" or "HUB Zone." Due to the Tribe's geographic isolation, displacement of traditional economic resources, lack of economic opportunities, and ever shrinking federal funds, the Tribe has been compelled to develop creative tribally-owned economic ventures in order to fund essential tribal government programs and services for its members.

It is important to emphasize that the Tribe provides services to its members and our communities the same as any other sovereign government. However, unlike federal and state governments, the Tribe does not have a tax base as a revenue source to fund these essential services. As a result, in addition to federal appropriations, the Tribe must rely on earnings from our economic development activities to fund our government.

General Comments on the Budget and Impacts from Sequestration

The Tribe's economic development earings are far from sufficient to fund all of the governmental services that must be provided to our members. The Tribe therefore must rely on its long-standing treaty and trust relationship with the federal government to fund the services our members and communities need. However, in the last decade, without any consideration for these treaty and trust obligations, federal support for our programs has been in steady--and sometimes precipatious--decline. Most recently, the forced cuts under the budget sequestration threaten the trust relationship between our governments.

Under budget sequestration, the Department of the Interior reports that its budget will be cut by $800 million for the remainder of the year. This will have a dramatic impact on the more than $2 billion in annual contracts that Interior has with tribes to operate programs and deliver services to tribal members. I cannot say it better than the Assistant Secretary for Indian Affairs said in his letter to tribal leaders, "For tribal communities in particular, these programs and contracts make a significant difference in employment and economic development." The Assistant Secretary is right and tribal programs should have been exempted from sequestration.

Because the services provided in these contracts and programs are critical to Indian tribes and their members, and because these vital services are matters of solemn treaty obligations and fidicuciary obligations that the United States owes to Indian nations, Interior and Indian Health Service funding should have been exempt from the budget sequestration. We should have been spared the same as other programs that received exemptions, including: Congressional salaries and many social saftey net programs. Tribal governments are the providers of social safety net programs to our members. We provide health care, elder care, nutrition assistance, child welfare, housing assistance and much more. I repeat: we should have been exempt from sequestration.

The across-the-board cuts will have a dramatic impact on the Miami Tribe's ability to provide essential services to our members and community. For example, we currently provide 450 to 500 nutritious meals to our elders every day at our Nutrition Center and Longhouse. This includes delivering meals to 120 homebound elders. We also administer and fund child development programs, heating assistance, housing rehabilitation, substance abuse programs, job training and many more vital services. These services should have been spared from sequestration, the same as other social saftey net programs. We ask that this Subcommittee and the Congress act quickly to pass a fiscal year 2014 budget that restores funding for Interior and Indian Health Service to levels that are adequate for our members and which fulfill the United States' solomn trust and treaty obligations to Indian tribes.

As a self-governance tribe, these funding cuts affect the Miami Tribe a little differently than other tribes you may be familiar with. Self-governance is an extension of the concept of Indian self-determination. First enacted in 1988, the Self-Governance Demonstration Project (Pub. L. No. 100-472), amended the Indian Self-Determination and Education Assistance Act (Pub. L. No. 93-638) to provide greater autonomy for Indian tribes in administering programs to serve their members. The Indian Health Amendments of 1992 (Pub. L. No. 102-573) extended

the self-governance concept to IHS. While self-governance increases the Tribe's autonomy, it forces the Tribe to take up the responsibility when federal funding runs short.

This is different than most budget situations because when funding for self-governance tribes is cut, the federal government does not see or feel the loss of federal staff or resources. Instead, the Tribe simply recieves a smaller amount of funding and we must find ways to make ends meet. There are no federal bureacrats in Washington, D.C., with an interest in preserving their staff or programs, who can pick up the phone and ask Congressional Appropriators to restore the Tribe's self-governance funding before we must cut services or layoff our staff.

The federal government must stop shifting the burden for implementing federal tribal programs to Indian tribes. To avoid further impacts from sequestration we ask that Congress pass a fiscal year 2014 budget. The President's fiscal year 2014 budget proposes a $9.8 million increase over fiscal year 2012 for self-governance funding. While the federal government has never fully budgeted to support tribal implementation of federal programs, the President's proposal to modestly increase funding is a far better alternative than additional cuts under sequestration.

In fact, the Miami Tribe has long been picking up shortfalls in federal funding for implementation of tribal self-governance programs. As the United States Supreme Court recently determined in the *Salazar v. Ramah Navajo Chapter* case, the federal government must pay the entire amount when it enters into a contract with an Indian tribe to provide services. The same as any other contract.

In particular, the federal government has never fully paid for all the contract support costs the Miami Tribe incurrs in implementing federal programs—including utility bills, insurance, vehicle costs and a number of other administrative and management costs. We ask that Congress follow the direction of the Court and fully fund these federal obligations.

The Tribe is opposed to the Department of the Interior's proposal in its fiscal year 2014 budget documents to effectively overrule the Court by incorporating a contact-by-contract funding table in appropriations language in the short-term, and then develop a longer-term solution that Interior says will streamline and simplify the contract support costs process. It is unclear what Interior will eventually propose, but funding tables, streamlining and simplfying sound like attempts to fund contract support costs through fixed formulas. Congress should not adopt a formula approach. Each tribe adiministering federal programs should simply get their actual contract support costs paid. This is what the Court ordered and we oppose any attempt to legislatively overrule the Court on this issue.

To fully fund self-governance programs and address the impacts budget sequestration will have on our programs for the remainder of the year, I ask that this Subcommittee and the Congress act quickly to pass a fiscal year 2014 budget that restores funding for Interior and Indian Health Service to adequate levels.

Specific Budget Concerns

First, Congress should not eliminate funding for the Housing Improvement Program (HIP) run by the BIA. The President's fiscal year 2014 budget proposes cutting $12.6 million from the BIA budget by cutting funding for HIP. The President claims that the same funding is available through the Department of Housing and Native American Housing Block Grant. These are in fact two different programs serving different needs. Even BIA's website explains "Why is HIP Different?"

In brief, HIP is different because it provides homes and home rehabilitation to needy tribal members. HIP is not used to construct large new housing projects and developments like the Block Grant program. While housing rehabilitation is one of many functions that can be performed with Block Grant funds, in order to obtain those Block Grant funds, the Tribe would have to fill out a formula grant application and hope that funds would be provided. Under HIP, tribal members in need can simply access funding to provide for their basic housing needs.

Second, additional funding should be provided in fiscal year 2014 for the Environmental Protection Agency's (EPA) General Assistant Program (GAP). EPA recently distributed information that its GAP funding would be cut for the coming year due to sequestration. This is another one of those vital tribal government programs that should have been spared from cuts. Now additional funding will be needed to make up for the effects of sequester and historical funding levels that have never met the demand. This funding is necessary for the Tribe to ensure water quality on the lands where we graze cattle and raise food.

Even worse, homes in our area have to be monitored for contamination from the Tar Creek Superfund site which is in close proximity to our lands. Many studies have been done that show the harmful effects of lead in all those areas and the EPA funding should be maintained so that the Tribe can monitor water quality and protect its members. Congress should more than double the President's modest request for an increase in GAP funding.

Third, federal appropriations have never provided the funding needed for Tribal Courts that are an essential part of our communities and constitutional structures. The Miami Tribe's Tribal Court system is funded solely by the Tribe. With the recent passing of the Violence Against Women Act (VAWA), our Tribal Court needs to provide important safeguards including hiring licensed attorneys to serve as prosecutors, judges and defense attorneys. Given these significant new responsibilities, now is the time to provide federal funding for tribal courts.

Finally, the Miami Tribe's Police Department is funded entirely by Department of Justice grants. This funding provides vehicles, salaries and basic equipment, but our office facilities are inadequate. In addition, the Police Department must be available 24/7, but limited funding for officers results in long hours and only a minimum of officers per shift. In any police force, officers need back up and modern equipment. Congress needs to ensure that funding is available for tribes to fulfill the significant new responsibilities under the recent Tribal Law and Order Act and VAWA.

Thank you for your consideration of these important issues the Miami Tribe faces as it provides governmental and social services to its members and community.

Mr. SIMPSON. Okay. Thank you.
Lieutenant Governor Suitor.

THURSDAY, APRIL 25, 2013.

CHEYENNE AND ARAPAHO TRIBES

WITNESS

AMBER BIGHORSE-SUITOR

Ms. BIGHORSE-SUITOR. Good afternoon. My name is Amber Bighorse, and I am the Lieutenant Governor of the Cheyenne and Arapaho Tribes in Oklahoma. As you will see from my testimony, the tribes utilize federal appropriations to provide central government services that reach most if not all of our tribal members, the majority of whom are impacted in some significant way in terms of health, safety, and welfare.

The services that we are able to provide through federal funding are a direct expression of the treaty and trust relationship between the tribes and the United States. Forced spending cuts arising from the 2013 sequestration undermine the U.S.'s trust, treaty, and statutory obligations to Indian tribes. What we are facing and what we are most impacted by are cuts to Indian Health Services and the BIA. Cuts to these departments affect our tribes, tribal members, and Indian communities in very significant ways because we offer programs that are made possible through that funding.

The programs that our tribes offer include Emergency Medical Services, Community Health Representative Program, which is a program that provides homemaker services, health education, and case management advocacy for tribal members' healthcare. I cannot stress strongly enough the importance of our Community Health Representative Program. For instance, this program helps people who have diseases make it to their appointments. It helps with transportation. That is a very basic thing but that a lot of people cannot afford, a lot of our tribal members.

There is a lot of poverty in Indian Country and we cover nine counties. We have people that live in rural Oklahoma that have to get to central Oklahoma, which is where the medication and the treatment is, and they simply do not have a way to get there and that is something that we provide, just home to chemotherapy, home to dialysis. That is something that is very important that we need to be able to continue that many of our tribal members are on the edge of requiring hospitalization, but with a little bit of assistance, they are able to stay at home, and that reduces healthcare costs.

We have a Diabetes Wellness Program. It provides service to 10 counties. It provides education necessary to prevent, treat, and live with diabetes. We also have a Health Education Service Program. It educates on causes of diseases such as diabetes, diseases that are epidemics in Indian Country—obesity; heart, kidney, and liver disease; alcoholism. We provide services to at-risk students who are facing crucial life issues like adolescent drinking, sexual relations, and suicide, and these are very, very important subjects. We provide medical equipment and supplies to diabetics.

All health professionals agree that prevention is the key to lowering healthcare costs, and that is why these programs are very important to the Cheyenne and Arapaho Tribes. We have our Diabetes Wellness, Health Education, and our Community Health Representative Programs. They provide those preventative services.

We also have Indian Child Welfare Program and Child Protective Services. They investigate alleged child abuse, provide protection services, find foster placement and adoption services. And our Elder Care Program, which is very important to the Cheyenne and Arapaho Tribes. As everyone knows, the elderly are vulnerable. Many have fixed incomes. They are unemployed and they cannot seek employment because of age or health status. And so there is health issues that need to be addressed, including one of the things our Elder Care Program does is help prevent evictions. They provide rent, shelter, utilities, money for medication, things like that so that our elders can live without pain and without suffering in their later years. And those are the services that we provide.

The other services that we provide through our 638 contracts with our grants and contracts with the Bureau of Indian Affairs are educational. We have a Head Start Program, vocational rehabilitation, which helps disabled people receive training and job placement, transportation to and from jobs. We have a Housing Improvement Program that provides funds to build and renovate homes so that people will have decent, safe, and sanitary living. We provide shelter for homeless and other people that have no other immediate source of housing assistance. We also have General Education Assistance so that people can receive GED assistance and assistance with education.

I would just like to thank you, Chairman, members of the committee for listening. The subject of cutting off services to Indian Country, in our minds, it is repugnant, because the community is already underserved. And we know that the repercussions of these budget cuts will long outlive the call for sequestration, and so we think and it is true that Indian Health Services and BIA, they should be exempt. I think everybody feels that way that is here today.

And as I said, the U.S. Government has that trust responsibility to Indian communities. We have tribal members that squeaked by with ambulatory services that we offer medications, just these very basic services. But these are people that are affected. They are children, our elders, our disabled, our needy. They are affected. And we would just like for you to keep those people in mind as you are proceeding with these budget hearings.

[The statement of Amber Bighorse-Suitor follows:]

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

Testimony on American Indian/Alaska Native Programs
Amber Bighorse-Suitor, Lt. Governor, Cheyenne and Arapaho Tribes

April 17, 2013

Good afternoon. My name is Amber Bighorse-Suitor and I am the Lieutenant Governor of the Cheyenne and Arapaho Tribes. I come here today to ask you for assistance which is vital to the well-being of our tribal members. As you read my testimony, and listen to my remarks, please remember that there are individuals and families whose very lives are directly impacted by the decisions that you make. When Washington uses terms like "budget freeze," "budget cuts" and "deficit reduction," it all too often forgets that what they are really talking about are people. As a tribal leader, I am one of the people who hear about those impacts every day. I am also one of the individuals who are left to try to keep our staff and our people's faith alive when you place a 10% cut on programs that have historically been funded at less than 60% of actual need, and then tell us that we have to absorb those cuts in six (6) month. So allow me to tell you about some real people that are affected by these cuts.

Funding Cuts at Indian Health Services
The Indian Health Services budget has never been adequate to address the Cheyenne and Arapaho Tribes' actual need. IHS care also comes from Contract Care dollars that run out long before the end of the fiscal year. While the budget experts in Washington talk about "priority one" as an accounting function, our people know that what they are really talking about is just how sick they have to become before they can receive adequate medical treatment. Academics do not have to witness the pain and suffering that we at the local level see every day. While we appreciate the past increase you have given us in contract care, those increases have done little more than cover the costs of inflation. We are still not making a dent in the backlog of procedures like gall stones, cataracts and other debilitating health concerns that plague our tribal members. So, please remember that a human being continues to suffer for every contract health care dollar that goes unfunded.

While IHS provides most of our hospital and clinic services, the Tribes' utilize IHS funds for a number of programs which are vital to the well-being of our members. These include Emergency Medical Services (EMS), Community Health Representative (CHR) Program, Diabetes Wellness Program (DWP), Health Education, Elder Care, Indian Child Welfare, and Child Protective Services. Our Tribes' Department of Health provides these services to our tribal members in 10

counties in the western part of Oklahoma as well as to some who reside out-of-state. Each of these programs are designed to fulfill critical, sometimes lifesaving, needs of tribal members.

The Emergency Medical Services (EMS) Program serves 9 counties in Western Oklahoma and offers 24/7 emergency medical care in response to 911 and emergency calls. EMS employs highly trained and qualified paramedics and other Emergency Medical professionals to provide lifesaving and urgent emergency medical care for all of western Oklahoma, even providing emergency medical response to non-Indians when EMS is the closest emergency responder. EMS also provides Critical Care transport for all of Western Oklahoma and is on standby for numerous community events where medical emergencies may occur. EMS is the only ground Ambulance service in Western Oklahoma that has the protocol which enables it to perform lifesaving techniques such as rapid sequence intubation, which is most often needed when a patient has sustained a serious trauma or is experience heart, lung, or liver failure. This procedure often means the difference between life and death for a patient.

The Community Health Representative (CHR) Program provides homemaker services, health education, case management and advocacy for tribal members' health care. I cannot stress strongly enough the importance of our CHR Program. Many of our members are shut ins, or persons who lack the physical or practical ability to get to and from medical appointments. For a tribal member who requires dialysis, safe and timely transportation to that service is critical. Our CHR's ensure many of those who are most on the edge of requiring hospitalization can remain at home and remain as healthy as possible. Our CHR's are also on the forefront of injury prevention, and for many of the people they visit; injuries from falls, from taking the wrong medication or from failing to monitor their glucose levels are a real threat to the individual.

The statistics on Native American diabetes speaks for itself. It is one of our most significant health threats. The Diabetes Wellness Program (DWP) serves 10 counties and provides tribal members with education necessary to prevent, treat and live with diabetes. Tribal members receive glucose monitors, blood pressure monitors, Registered Nurse case management, and home visits where the Nurses monitor blood pressure and blood sugar. In cases where the impacts of the disease are more pronounced, our program provides walkers, crutches, shower chairs, wheelchairs, canes, and special shoes that promote blood flow to the feet. They receive preventive care and education as well to prevent or delay diabetes such as nutrition services by licensed dieticians, a Fitness Staff and Fitness Center, and provision of healthy foods such as buffalo meat.

Health Professionals across the country agree that one of the best ways to curtail health care costs in the United States and for IHS is through prevention. That is why our Health Education Services Program is so important. This program serves all of the counties in the Tribes' territory and helps to educate our people about the causes of diseases such as diabetes, flu, and heart, kidney and liver disease. It works to ensure that our women pay attention to important items like breast cancer screening, and childhood obesity, and that our people understand the importance of exercise and good nutrition. It also provides services to at-risk students facing critical life issues like adolescent drinking, sexual relations, and suicide. The Program serves approximately:

- 100 persons working to obtain their General Education Diploma;

- 300 families with educational assistance benefits including online tutoring and remedial services;
- 200 youth who participate in a summer youth conference programs that enhance public school teacher knowledge of cultural history; and
- 55 youth that currently participate in afterschool services such as tutoring, physical fitness training and recreational experiences in a drug-free environment.

The Indian Child Welfare Program serves the Cheyenne and Arapaho Tribes and other tribes that live in the Tribes' territory. The ICWA Program not only works, it is vital to our tribal children and tribal communities. Program staff go to state court to represent the Tribes in Indian child welfare cases, places children in foster care, makes home visits to foster homes to ensure foster children are in safe and secure homes, locates adoption placements, and fulfills a role similar to the State's Department of Human Services. Too many people forget the studies and statistics that led to the passage of this important legislation in the first place. Those studies showed that a sizable percentage of Indian children removed from their extended families and their Indian communities suffered a multitude of social and emotional problems. They also showed that Native people often lacked the knowhow and the practical ability to have their voices heard when decisions of this magnitude were being made in non-Indian courts. That is why programs like ours are so important. Our workers level the playing field and ensure that the best interest of the child is considered every time one of our children is facing this life altering experience.

Equally important is our Child Protective Services Program. Program staff investigate alleged child abuse, remove children from abusive homes with the BIA police assistance, and perform forensic interviews of allegedly abused children to determine whether abuse has taken place.

The Elder Care Program provides elderly tribal members with food, food cards, food vouchers, food gift certificates, assistance with utilities and rent, shelter, medical care, and medical prescriptions. Often, the Elder Care program is a Program of last resort which saves an elder from starvation, eviction, or life without essentials such as electricity or medical equipment and medicines. In January 2011, Elder Care served approximately 500 tribal members and there are approximately 1500 to 1600 elders as of November 2011. Elder Care clients are among the most vulnerable in our community – many elders live with fixed incomes, are unemployed, and are unable to seek employment at their age or health level. Many elders have severe health issues such as cancer and the majority of Elder Care clients are diabetic; many require wheelchairs, walkers, and medical equipment for their homes which the Program provides.

Funding Cuts at the Bureau of Indian Affairs

As a tribal leader, I recognize that education is the tool that we need in order to advance our community. Today, because of the fine work being done by our tribal education staff, we have the Higher Education Program, the Adult Education Program, Head Start, Tribal Youth Programs, Language Programs, Vocational Rehabilitation Programs, and Culture and Heritage programs. Each Indian education program addresses a different specific need and given the large discrepancy been Indian and non-Indian educational advancement, but more needs to be done. Because so many of our adult members lack the skills to compete for jobs, we need a "No person left behind" philosophy and to continue funding programs that advance the education and job skill programs that better the lives of both children and adults.

Head Start Education is a center-based program open four days per week, five hours per day at three centers with eight classrooms, and serves 133 children. Head Start provides education, meals and transportation to children and staff in the program. Head Start serves all children -- not just enrolled tribal members and receives funding from the State for child food services.

The Vocational Rehabilitation Program provides disabled Native Americans job training and preparation, job placement, and transportation to jobs, and long-term retention. For the first quarter of 2012, the Vocational Rehabilitation Program successfully placed 7 disabled persons in jobs, so they lead fulfilling lives and contribute to their communities and families. There are currently 16 active clients receiving services.

The Adult Education program tutors and tests 100 adults seeking to attain their General Education Diploma. It also provides 300 families with educational assistance benefits including online tutoring and remedial services; 200 youth who will participate in a summer youth conference; and programs to enhance public school teacher knowledge of cultural history. It also oversees the Thomas Title VII Program to serve 15 youth that currently participate in afterschool services including tutoring, cultural and language experiences, and physical fitness training. And finally, it oversees the Tribal Youth Afterschool Program to provide 40 youth with 5 afterschool programs to provide tutoring, and recreational experiences in a drug-free environment.

The BIA funded Housing Improvement Program (HIP) is operated by the Tribes' Housing Authority. Funds are used to build and renovate homes for the neediest of the needy Native Americans as defined in the BIA Housing Improvement Program regulations. The implementation of the HIP fulfill the very basic needs of decent, safe and sanitary housing for needy Cheyenne and Arapaho families who have substandard housing or no housing at all, and have no immediate source of housing assistance. It is used to remedy dilapidated houses that lack weatherproofing.

Conclusion

Mr. Chairman, nothing is more important to the Tribes than the health, safety and general welfare of our tribal members. We know you will hear a lot about the needs of tribal members and you will have to make difficult decisions. These forced spending cuts will limit our overall ability to protect the health, safety and general welfare of the most needy of our tribal members, children and elders. We implore you to take a hard look at the lives that are being directly affected by these cuts. It is a question of basic day to day survival for our members, children and elders. I ask you to remember that over the coming weeks, and remind your colleagues that the problems of this Nation should not be solved on the backs of Indian programs which have always been underfunded to begin with.

Thank you for allowing me to present these important concerns. I will remain available to answer any questions that you may have.

Mr. SIMPSON. Thank you.

Ms. BIGHORSE-SUITOR. Thank you.

Mr. SIMPSON. Tom.

Mr. COLE. Thank you, Mr. Chairman. A couple of comments and then I have got a question or two.

In Oklahoma all three of these are wonderful tribes, but they are also our partners and they have independent businesses, they are big employers, they are a lot of things. So I think sometimes the dimension of that gets lost, particularly Chief Baker's tribe is the second-largest tribes in the United States. Could you quickly, just so the Committee would know, tell them about the size of the population, your annual budget, the number of people you employ, and a little bit about some of the partnerships that you have with counties and state governments where, frankly, you bring resources and expertise to your neighbors?

Mr. BAKER. Always a great opportunity to talk about the Cherokee Nation. You know, we have 328,000 members, 120,000 of them are right there in our 14 counties, another 40, almost 50,000 are in the rest of Oklahoma. The rest are scattered around districts all over the United States. We have got a lot in California, we have got a lot in Texas, and in every state in the Nation, we have Cherokee citizens. We had a budget, an economic impact last year of $1.2 billion. God has been good to us and we have taken, you know, 5 percent of our casino profits and put it into supplementing contract health costs because it is so underfunded by Congress, but it is so important to the saving of lives of our people that we are putting our money where our mouth is.

Like I said, we are going to take $100 million and put into building clinics. We cannot afford to wait for the Federal Government for a partnership to build this because we can do so much better. And so we are willing to do our part to make it better.

You know, we directly employ 9,000 people in northeastern Oklahoma. No pun intended, we are the largest economic engine in northeastern Oklahoma. We indirectly employ about 13,000 people. The University of Oklahoma City did an independent survey. We are the fourth-largest employer in Tulsa even though we have no jobs in Tulsa because of the things we buy, the services that we give. The reach of the Cherokee Nation into Tulsa makes us the fourth and maybe the third now. I think third was American Airlines, so maybe we are third now.

Mr. COLE. Probably catching up fast.

Mr. BAKER. So, you know, and we had, like I say, 1.2 million healthcare visits last year that the state knows that if we did not do it, if we said, hey, we are out of the healthcare business, that the State of Oklahoma could not absorb the number of healthcare that we take care of each and every year. And, you know, we have got the doctors. You know, we are building a 100-bed hospital out of our money because the hospital we have is a 28-bed hospital that was built in the '70s for 30,000 patient visits, and we had 300,000 patient visits last year.

Mr. COLE. Just the scope is just pretty amazing, the impact in Oklahoma. So these are again three of our very best tribes.

Mr. BAKER. And so we need your help. You know, we are not asking for a handout, but those contract support costs are desperately needed.

Mr. COLE. You will be happy to know under Chairman Simpson's leadership and Chairman Moran before him, we have done a lot, and this committee is extremely sympathetic and shares your point of view pretty much across the board on those things. So everybody here will do everything they can on both sides of the aisle to be helpful because we recognize those are obligations and we intend to do everything we can to make sure they are fulfilled and kept.

Mr. BAKER. Bless you.

Mr. SIMPSON. We just need some help on the other side of the Rotunda.

Mr. COLE. Yes.

Mr. SIMPSON. It is not the other side of the aisle here; it is the other side of the Rotunda.

Mr. COLE. It is true.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you for your testimony.

Mr. SIMPSON. Ms. Pingree, do you have——

Ms. PINGREE. Yes, thank you. It is very good to hear from you all. Thank you very much.

Mr. SIMPSON. We thank you for being here today and for your testimony, and we will obviously take it under consideration when we try to fashion a budget this year, but as Tom said, Indian Health Services, we are starting to look more at Indian education and some of the other things that have been left on the drawing board or whatever that they are going to need some help. And we will do all we can. So it is appreciated. Thank you.

Mr. BAKER. Thank you all.

Mr. SIMPSON. Let's call up our final panel of the day, Kirk Francis, William Harris, Byron Nelson—was he not a golfer? Rosemary Morillo and Colley Billie. Which one is Byron Nelson? Now, did you not win a lot of tournaments?

We are probably not going to make it all the way through the panel before we get called over for a couple votes, but we can come back and do it as soon as we—it means you will probably have to wait around for us for a few minutes while we could do that though if you do not mind.

Ms. Pingree, did you want to introduce—the first tribe is from Maine, right?

Ms. PINGREE. It is. And as all of my colleagues here know, I am very new on this committee and learning a lot and I appreciate the testimony of everyone who is come before us, but I am particularly happy to have Chief Francis from the Penobscot Nation coming here to talk to us about Maine, and I know he has got plenty of things to say, so I will not speak for him, but I will say I think that Maine may continue to be the only state in the Nation where our legislature has tribal representatives who sit in the legislature. They are elected—oh, no?

Mr. FRANCIS. Oh, you mean as the tribes?

Ms. PINGREE. Members of the tribes. So the Penobscot Nation, the Passamaquoddy and the third one, Maliseet. So when I served in the legislature 20 years ago, they are literally members of our

legislature kind of like the territorial reps here. They do not have all the voting powers. They are elected by their own tribes, and it was a great learning experience for me 20 years ago to serve along to members of the tribe in my time there. So they have been great citizens of our state and work very hard and I am honored to have someone from my home territory to represent us here today. Thank you. Thank you for giving me that chance.

Mr. SIMPSON. You bet. Thanks.

Chief Francis, you are first.

THURSDAY, APRIL 25, 2013.

PENOBSCOT INDIAN NATION

WITNESS

KIRK FRANCIS

Mr. FRANCIS. Thank you. Thank you, Chairman Simpson, Mr. Cole, Ms. McCollum, and of course our great Congresswoman Chellie Pingree. I appreciate that introduction.

And as mentioned, my name is Kirk Francis. I am the chief of the Penobscot Indian Nation in the great State of Maine and I want to thank you for the opportunity to speak here today.

First, I know we are at the tail end of a long couple of days, so I sure I will echo a lot of the concerns you have already heard. And I would like to start by talking about the increased funding for Indian healthcare.

You know, as a government, our most basic and most immediate responsibility is the healthcare of our people. And sadly, at Penobscot Nation, we are far behind where we need to be. Penobscot Nation, along with other Wabanaki Tribes in Maine, conducted a health assessment survey in 2010, the largest such survey east of the Mississippi on Indian people. And it showed a lot of things in terms of health disparities, but also high rates of diabetes, blood pressure, heart disease, asthma, extremely high compared to the general population.

Penobscot Nation's health clinic serves about 3,400 tribal patients. However, it is only funded at about 1,400 of those patients, 60 percent below our needs.

As I point to the poster there, you will see a young gentleman and some other tribal folks that we have been extremely proud to be able to service through extensive preventative care programs. Prenatal care we put a tremendous amount of focus in. Moms are usually faced with a tremendous amount of problems from a disparity level in terms of gestational diabetes and high infant mortality rates, so this is an extremely important part of what we do. And I am afraid sequestration will eliminate the progress that we have made in these areas of elder care and all of those vital healthcare programs that we are running in terms of preventative care have set us back a little bit. And as a result, you know, the little guy you see there and many others will have very little chance of receiving full healthcare treatment throughout fiscal years.

But because we are funded at only 40 percent of needs, we are forced to make those tough decisions, often at about the halfway point of each fiscal year. You know, Penobscot Nation supports the President's proposed increase for IHS in fiscal year 2014, but we ask that you support the Indian Country budget, which requests a $500 million increase.

Beyond our most immediate need of improved healthcare—and all these things really tie together as root causes—as chief, one of my top priorities really has been improving our economies within our tribal communities. Creating a self-sustaining economy at Penobscot Nation and throughout Indian Country is critical to the survival of tribes but also to reach in full self-determination.

You know, when our administration took office in 2007, our community suffered at a 46 percent unemployment rate. Thanks to our focus on economic development, we have been able to cut that rate to 16 percent today.

So I point to the poster again, and you will see that we are very proud of our citizens' commitment now to high school graduation. Those rates are at the highest levels we have ever seen, and greater interest among our people to get post-high school education and focus on long-term career opportunities. Our challenge as tribal leaders now is keeping up with those demands and creating those opportunities.

But despite our best efforts, you know, 16 percent unemployment is still extremely high, and today, I ask for your help in addressing two barriers to economic development: one, the lack of trained and educated workforce; and two, the lack of access to capital and financing for reservation projects. Our tribal government and our economy need a well-trained, well-educated workforce to run our very complex tribal governments and businesses that exist within our reservations.

To achieve this goal, my first request is that you would consider restoring the BIA scholarship funding to the fiscal year 2010 levels of $34.5 million to address the gap in American Indian higher education. This cycle of poverty is a significant barrier for Indian people and it is no different at Penobscot. Unlike some communities, kids cannot simply rely on their families to be able to meet this burden. So as a result, many of our students turn to the BIA Scholarship Program to help fund their post-high school education. Unfortunately, that program has been consistently cut in recent years, and I hope you can consider looking at that to restore some of that funding.

In addition to education, we must be better at training and getting our people better equipped for their careers and their future. Penobscot participates in the Administration for Native Americans' Workforce Development Initiative for job training. Penobscot was able to use BIA's Job Placement Training Program and funds to meet ANA's matching requirements. So these two programs mesh quite well together. The construction initiative in its initial stages—and as we sit here, it is underway—has helped more than 40 tribal members in these first few months gain vital job skills and placement. So my second request is that the Subcommittee increase funding for BIA's Job Placement Training Program.

Finally, I want to discuss the need to access capital and grow our communities. The Treasury Department has reported that there was a $44 billion gap in investment to Indian Country. These are untapped jobs waiting for financing. Banks and financial institutions simply want to invest in reservation economies without incentives. The BIA's Economic Development Program has done great work in trying to overcome some of these barriers. Within this shot, the Indian Loan Guarantee Program has proven to be a great resource to access investment capital. The BIA loan guarantees financing of $13 to every $1 appropriated. Nearly all projects created jobs in areas of high unemployment, and unfortunately, the fiscal year 2014 budget calls for a $2.1 million decrease.

So my final request to this subcommittee is to reject the President's proposed cuts for economic development and the BIA Loan Guarantee Program. Instead, I hope these programs could at least be restored to the fiscal year 2011 levels.

All of Indian Country thanks this committee for your work in shielding health, education, and public safety from the most severe cuts we are facing. But as the United States continues to rise out of this recession, it is critically important that Indian Country is not left behind in this economy.

So today, that concludes my testimony, and on behalf of the Penobscot Nation, I extremely proud to be here and appreciate all of your time. Thanks.

[The statement of Kirk Francis follows:]

Kirk Francis, Chief, Penobscot Indian Nation
Testimony Regarding FY 2014 Funding for IHS and BIA Programs (04/25/2013)
Good afternoon Chairman Simpson, Ranking Member Moran, Congresswoman Pingree and Members of the Subcommittee. My name is Kirk Francis, and I am the Chief of the Penobscot Indian Nation. Penobscot deeply appreciates the Committee's tremendous efforts to sustain funding for tribal programs in this difficult economy. Thank you for this opportunity to testify today about unmet needs in the areas of tribal health care, education, job placement training, and economic development.

INDIAN HEALTH SERVICES: The President's FY 2014 Budget Request for Indian Health Services (IHS) includes a $124 million increase in budget authority above the FY 2012 enacted level, and a $244 million increase in program level (reflecting insurance collections resulting from the Affordable Care Act). This budget increase is essential to address the unmet health care needs of Native Americans. Significant health disparities exist in Indian Country. Current age-adjusted death rates for all causes of death are estimated to be 1.2 times the rate of the U.S. population, tuberculosis rates are 8.5 times higher, chronic liver disease and cirrhosis are 4.2 times, diabetes are 2.9 times, and unintentional injuries are 2.5 times the rates of the U.S. population. In a recent 2010 health assessment conducted by the Penobscot Nation it was evident that our tribal members suffer from these and other health disparities. Compared to the Maine BRFSS, our health assessment indicated staggering health disparities for Penobscot tribal members, including, but not limited to, high rates of diabetes, high blood pressure, coronary heart disease, and asthma. The Penobscot Nation's Health Clinic's serves 3,400 tribal patients, however it is only funded at a level for 1,390 persons, or 59% rate *below* the user population need. The FY 2014 proposed budget increase includes several key initiatives that are vital to closing the gap of health disparities that exist, but far below the funding level needed adequately provide health care to Native Americans. Currently, it is projected that IHS expenditures per capita are $2,643. By comparison, other federal health care per expenditures well exceed this amount: Medicare $11,762, Veterans $7,091, Federal Employee Health Benefits $4,817, and Medicaid $6,156. **We support the President's proposed increase for IHS, but ask for your support of the FY 2014 Indian Country Budget request of a $500.7 million increase to the IHS to maintain current services and $478.4 million increase for program services.**

BUREAU OF INDIAN AFFAIRS' SCHOLARSHIPS: Each year the Penobscot Nation receives increased requests for post-secondary education scholarships. However, our tribal government can only provide a minimal amount of support to our students. Currently, the Bureau of Indian Affairs (BIA) estimates the average scholarship award provided to students to be less than $3,000 per student to a shrinking number of Indian student. At Penobscot Nation the maximum amount we can provide to our students is $1,500.

A college education is a significant factor in the socioeconomic advancement of American Indian communities, particularly in relation to opportunities for jobs and increased earnings. An individual with a bachelor's degree or greater has the capacity to earn at least four times the annual income of a high school dropout and more than twice the annual income of high school graduate. In the last decade significant progress has been made in the higher education of American Indians and Alaska Natives despite the economic and cultural challenges that American Indians face. In a report entitled "Status and Trends in the Education of American

Indians and Alaska Natives" it was noted that between 1976-1977 (3,300 degrees awarded) and 2005-2006 (10,900 degrees awarded), the number of degrees awarded by colleges and universities to American Indians/Alaska Natives more than doubled. However, even with this notable success, American Indians still account for the lowest of all races in student enrollment, retention, and graduation rates. There are several factors contributing to these low rates. One such documented factor is the lack of educational funding for American Indians when compared to other U.S. populations. The National Center for Education Statistics reports that the average amount of financial assistance awarded from grants and loans for full-time, four-year undergraduate students is at least 5% lower than that awarded to all other races. Another contributing factor is the high poverty level of American Indians, which makes it impossible for students to rely on their families for financial support. It is estimated that 65% of all American Indians students are self-supporting, in comparison to the national average of 50%. Further, magnifying the need for educational financial assistance is the number of American Indian undergraduate students supporting dependent children. Statistics reveal that nearly 35% of American Indian undergraduate students have dependent children. Scholarship funding is not even close to the actual cost of rising tuition. Recent reports indicate that in the school year 2011-2012, average tuition and fees for public in-state four-year colleges rose to $8,244, increasing the cost by 8.3% from the prior school year. The FY 2014 President's Budget proposes BIA scholarship funding at a level of $29.9 million with an average award of $2,700 for 8,957 students. In relation to the FY 2010 enacted level this would amount to a decrease of approximately $4.7 million and would cut the number of American Indian and Alaska Native students receiving BIA scholarship by 4%.

SCHOLARSHIPS (excludes AVT Appropriations)

	FY 2013	FY 2012	FY 2011	FY 2010	FY 2009
Funding Levels (Enacted)	$29,858	$29,432	$30,946	$34,585	$25,184
Estimated Number of Grants Awarded	8,957	8,830	9,284	9,315	7,838

Providing additional funding for BIA's scholarship program is vital to fostering equity in higher educational for Indians and the future success of our economies. Access to quality higher education of American Indians is one step to moving this segment of American society from the lowest levels of poverty to the realization of self-sufficiency. **We support the President's slight increase for Scholarship funding, but ask that the Subcommittee consider restoring BIA Scholarship funding to the FY 2010 levels of $34.585 million to better address the significant unmet need and gap in American Indian higher education.**

BUREAU OF INDIAN AFFAIRS' JOB PLACEMENT TRAINING: The unemployment rate for the Penobscot Nation is currently 16.1%, which is approximately 3½ times higher than the State of Maine's rate of 4.6%. This high unemployment rate translates into 35.7% of our tribal members living below the poverty level. Again in comparison to the State's rate of 12.8%, the Penobscot poverty rate is nearly 3 times higher. Over the last several years, the Penobscot Nation has focused on addressing the high unemployment rate in our community. We received a grant from the Administration for Native Americans to assist us with a Construction Workforce Development Initiative, which will assist approximately 40 members of our community to develop work preparedness skills and construction training. Although, we were fortunate to

receive this grant, we were challenged with providing a 20% match. Thankfully, we were able to leverage our BIA Job Placement Training funds to achieve the match requirement. The construction training initiative is just one of the many initiatives we would like to undertake to reduce high unemployment at Penobscot. In the future, we would like to undertake similar initiatives and provide training in high demand employment areas, such as the health profession, computer technology, accounting, etc. However, for us to provide this on-going training it is essential that adequate funds are available to offer these types of programs. The Penobscot Nation requests your support in advancing job placement training opportunities within Indian Country so that our tribal government can help our tribal members achieve a standard of living comparable to other U.S. citizens. **To address high unemployment throughout Indian Country, we urge you to increase funding for BIA's Job Placement Training Program.**

BUREAU OF INDIAN AFFAIRS' ECONOMIC DEVELOPMENT: The Penobscot Nation's economic development strategy is not exclusive to providing sufficient education and training opportunities, but also to ensuring that jobs exist when citizens complete their education/training curriculums. The BIA Economic Development Program is an essential ingredient for accomplishing this strategy. BIA's Economic Development Program supports a variety of critical components for economic growth and job creation activities, such as funding feasibility studies, providing assistance to accessing capital, and creating business plans. For the Penobscot Nation, as well as other tribes, to continue their endeavors to reduce high unemployment and poverty rate in our communities we must have access to adequate funding to pursue economic development activities to stimulate local job growth. Tribal Nations are faced with many barriers not prevalent in non-native communities, such as:

Legal and Administrative Barriers: Investors and businesses often require assurance to have access to federal or state courts for dispute resolution before conducting business with a tribe or tribal business. Often such assurances require a limited waiver of tribal sovereignty. Further the lack of commercial codes, zoning regulations, and tax policies presents barriers that can deter potential investors and business partners.

Lack of Investment Capital: Lack of access to capital, either in the form of debt or equity financing, makes it difficult to start new businesses or to expand existing ones.

Lack of Bonding: With the unique status of tribal land holdings and assets, it is often difficult for tribal businesses to attain the necessary bonding and other required insurance.

To overcome these challenges, it is paramount that funding for Economic Development be increased. The FY 2014 President's budget request for Economic Development proposes a $543,000 reduction. If this proposed cut is enacted, this Program's total funding would be less than $2 million, which equates to a 60% reduction from the FY 2008 enacted amount of $4.5.

Program	Enacted 2013	Enacted 2012	Enacted 2011	Enacted 2010	Enacted 2009	Enacted 2008
Economic Development	$2,366	$2,342	$2,271	$2,241	$3,493	$4,531

INDIAN LOAN GUARANTY PROGRAM: It is essential that tribes have the financial resources to implement long-term economic development plans to conduct feasibility studies that are essential to business development. Further, the lack of investment capital is a major barrier

to economic development within Indian Country. Often, the BIA Loan Guarantee is the only financing resource available to tribes. In 2001, the Treasury Department reported that there is a *$44 billion* investment gap between American Indian economies and the U.S. overall. The report also found that, despite the fact that 85% of financial institutions, on or near Indian lands, offer deposit accounts to American Indians, half of those institutions provide only ATMs and personal consumer loans.

Congress established the Indian Loan Guaranty Program through the Indian Financing Act of 1974 to help tribal government businesses and Native entrepreneurs obtain commercial loans on reasonable terms. This Program guarantees approximately $13 for every $1 appropriated. This Program is the single greatest federal resource used by tribes and Indian owner businesses to access investment capital and secure lender financing. Nearly all projects funded by the program create jobs in areas of high unemployment. Based upon past performance, each additional $80 million that the program has offered to guarantee loans *(a $6.1 million appropriation)* can be expected to generate 50 new businesses and create or sustain 1,500 jobs to benefit native communities. The FY 2014 budget proposes a reduction of $2.1 million to the Loan Guarantee Program until the program undergoes an independent evaluation. Considering the devastating socioeconomic conditions of Indian Country we cannot afford to wait until the federal government completes yet another evaluation. Throughout the last several years, funding for the Loan Guarantee Program has steadily diminished as noted in the following table:

Program	Proposed 2014	Enacted 2012	Enacted 2011	Enacted 2010	Enacted 2009	Enacted 2008
Loan Guaranty	$5,018	$7,103	$8,199	$6,586	$6,586	$5,489

It is crucial that the Loan Guaranty Program be restored to ***at least*** the FY 2011 enacted level of $8.2 million. Further, if the Administration does indeed go ahead with its plans for an independent evaluation we would request that the evaluation also entail a study on overcoming the tribes' inability to access surety bonding and insurance requirements necessary for business development on Indian lands, as well as an overall analysis of access to capital in Indian country. Further, we request that appropriate resources be included in future budget requests that address the bonding and insurance barriers that exist within Indian Country. These Programs are instrumental pathways to ensuring Native American poverty plights are conquered. **We oppose the proposed reduction of $543,000 to the Economic Development Program and the reduction of $2.1 million in the Loan Guarantee Program, and again request that the Indian Loan Guaranty Program be restored to the FY 2011 level of $8.2 million.**

CONTRACT SUPPORT COSTS: The Penobscot Indian Nation opposes the Administration's proposal to unilaterally implement statutory caps on contract support costs (CSC). CSC funding is essential to the operation of contracted federal programs administered by the BIA and IHS under federally issued indirect cost rate agreements. No change of such a fundamental character should be implemented until there has been a thorough consultation and study of concept jointly undertaken by the BIA and IHS with the Penobscot Indian Nation and other interested federally recognized Indian tribes.

Mr. SIMPSON. I thank you for your testimony. And we have got that boat going on now that I mentioned. We have got two votes, one as soon as we get there and then one right after that. So we probably ought to go do the vote and come back and we will finish this panel as soon as we get back. So if you can hang out, we would appreciate it.

Mr. MORAN. For what it is worth, Mr. Chairman, I just wanted to mention that Ms. Pingree has lobbied me pretty heavily on behalf of the Penobscot Nation. So it is very nice to see you. We have been anticipating this.

It is good to see you, sir.

Mr. HARRIS. It is very nice to see you.

Mr. SIMPSON. Okay. We will stand in recess. We will be back in a few minutes.

[Recess.]

Mr. SIMPSON. Back in order.

Next, we have Chief Harris.

THURSDAY, APRIL 25, 2013.

CATAWBA INDIAN NATION

WITNESS

WILLIAM HARRIS

Mr. HARRIS. You knew who I was.

Mr. SIMPSON. Surprise. I have got them right here.

Mr. HARRIS. Well, the fact that you looked my way startled me.

On behalf of the Catawba Nation, thank you for this opportunity to testify before this subcommittee. My name is William Harris. I am the chief of the Catawba Nation.

Since time immemorial, the Catawba have lived in the Piedmont along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river hunting, fishing, and farming. However, these pursuits of the past are not sufficient to enable the tribes to survive economically today. I am here today to urge this committee to invest federal dollars in programs that support economic development for smaller tribes that have limited resources but, like the Catawba, are committed to achieving economic self-sufficiency.

Our settlement agreements specifically refer to the policy of the United States to promote tribal self-determination and economic self-sufficiency, and it is about fulfilling this promise of support for economic self-sufficiency that I appear before you today.

In the 2000 census, the Catawba Nation had a per capita income of just $11,096. The estimated current unemployment rate among the Catawba is more than double that of the State of South Carolina, which itself has employment in double digits.

The Catawba Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by the majority of federally recognized nations. Under the terms of our settlement agreement, we possess what I would term second-class tribal sovereignty. In our case, the state government has enormous civil and criminal jurisdiction on our lands far in excess that com-

monly accorded to states of other nations. This state jurisdiction has ended up greatly limiting our ability to develop our economy. For example, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to bingo halls, neither of which are in present operation due to the fact that the state has adopted the lottery.

We are also allowed certain electronic play devices on our reservation if the state authorizes them. Since the state authorizes casino cruise ships, we believe that we should have the same similar games on our reservation. However, the state is in opposition. Betraying is part of the bargain when we settled our land disputes. Now, at great cost, we are seeking to vindicate our rights in the South Carolina courts.

The Catawba Nation has found the Energy and Mineral Development Program of the Office of Indian Energy and Economic Development at the BIA to be especially helpful. We have used it to fund a feasibility study for a 1 MW photovoltaic system, which has a particular analysis, testing and surveys related to energy efficiency and renewable energy for four administrative buildings on our reservation.

These are other areas where the tribe needs funding support. In addition to energy development, the Catawbas are looking to establish a convenience store that will allow tribal members quick access to groceries and supplies without the undue burden of traveling 15 miles round-trip on country roads to Rock Hill.

It is programs like these that enable smaller tribes like the Catawbas who have limited or no economic development to take control of their future and have a hope that the next generation of Catawba will know a more prosperous life in this generation.

The Catawba Nation is a member of the United South and Eastern Tribes, which in itself represents 26 federally recognized tribes in the south and the east. I have included in my written testimony USET priorities. These include the Carcieri fix. The Catawbas do not have a Carcieri problem but we urge the Subcommittee to take up the cause of overturning the wrongful opinion of the Supreme Court in this area. I urge the Subcommittee to support this and similar programs of use to smaller, less economically developed tribes.

And I thank you for this opportunity.

[The statement of William Harris follows:]

Testimony of William Harris
Chief, Catawba Nation
Before the
House Interior Appropriations Subcommittee
Thursday, April 25, 2013

Introduction. On behalf of the Catawba Nation, a federally recognized tribe located in South Carolina, thank you for this opportunity to testify before the House Interior Appropriations Subcommittee. My name is William Harris. I am the Chief of the Catawba Nation. I want to begin by thanking this Subcommittee and its leadership for supporting the Catawba Nation as we have addressed budget and audit issues with the Bureau of Indian Affairs. Your support means a great deal to the Catawba people and on their behalf you have our heartfelt "thank you!"

Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency. I am here today to urge this Subcommittee and, indeed, the full House Appropriations Committee, to invest Federal dollars in programs that support economic development for smaller tribes that have limited resources but, like the Catawba, are committed to achieving economic self-sufficiency. Our Settlement Act specifically refers to the "policy of the United States to promote tribal self-determination and economic self-sufficiency" and it is about fulfilling this promise of support for economic self-sufficiency that I appear before you today. The limitations in our Settlement Act significantly inhibit our ability to achieve economic self-sufficiency. As is the case with many Native American tribes, the Catawba Nation struggles with poverty and its related issues. In the 2000 Census, the Catawba Nation had a per capita income of just $11,096. The estimated current unemployment rate among the Catawba is more than double that of the state of South Carolina, which itself has very high unemployment. The tribe currently has no operating economic development ventures.

In our case, the Catawba Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act we possess what I would term "second class tribal sovereignty." For example, the state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. This intrusion of state jurisdiction, on top of our own jurisdictional authority, has severely hampered our economic development.

Additionally, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls, neither of which has been in operation since the state adopted a lottery that consumes most of the gaming dollars spent in our state. We are also allowed certain electronic play devices on our reservation, if the state authorizes them. Since the State authorizes casino cruise ships, we believe that we can have similar games on our reservation; however, the State is opposing us and now, at great cost, we are seeking to vindicate our rights in court.

Funding for the Energy and Mineral Development Program of the Office of Indian Energy and Economic Development. The Catawba Nation has found the Energy and Mineral Development program of the Office of Indian Energy and Economic Development to be especially helpful. We have used it to fund a feasibility study for a 1MW photovoltaic system, as well as to partially fund analysis, testing and surveys related to energy-efficiency and renewable energy for four administrative buildings on the reservation. These two projects have laid the ground work for a more ambitious proposal by the Tribe to develop an energy strategy plan that will establish a Catawba vision for energy production and consumption on the reservation. This plan will be integrated with the Tribe's other efforts, like economic development, job creation and reinforcement of cultural values.

It is programs like this one that enable smaller tribes, like the Catawba, who have limited or no economic development, to take control of their future and have the hope that the next generation of Catawbas will know a more prosperous life than this generation. I urge the Subcommittee to support this and similar programs of use to smaller, less economically developed tribes.

There are other areas where the Tribe needs funding support. In addition to energy development, the Catawba are looking to establish a convenience store that would allow Tribal members quick access to groceries and supplies without the undue burden of traveling 15 miles roundtrip on country roads to Rock Hill, South Carolina. The Tribe also supports the extension of the Dave Lyle Boulevard, which would provide a critical connection between York and Lancaster counties, creating an "outer loop" south of the Ballantyne portion of I-485 for Charlotte, North Carolina. Approximately 1.5 miles of this road cross the Catawba Indian Nation. Finally, the Catawba Indian Nation seeks to continue a job training and placement program to assist Indian people to acquire the job skills necessary for full time satisfactory employment. Within that framework, the program provides testing, vocational counseling or guidance to assist program participants to make career choices relating personal assets to training options and availability of jobs in the labor market. This Federal program includes vocational counseling and employment services both on-reservation as well as in communities near reservations. The tribe also maintains a transportation program to get tribal members to work centers.

History of the Catawba. Since time immemorial the Catawba have lived in the Piedmont generally and along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans and squash. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. No less today, the sovereignty of the Catawba Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to this place we call home.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15 square mile reservation in South Carolina. Although the Catawba honored the treaty, the Government of South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one square mile.

Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe's government-to-government relationship with the United States - and we will continue to do so.

Regrettably, in 1959, the Congress enacted the Catawba Tribe of South Carolina Division of Assets Act which terminated the tribe's Federal recognition and liquidated the tribe's 3,434 acre reservation.

After a long struggle, and only after the tribe threatened to invoke its treaty rights to 225 square miles of ancestral lands in South Carolina, did Congress act by passing the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which restored the trust relationship between the Catawba Indian Nation and the United States. This law also had the effect of settling treaty-based Catawba land claims on terms highly favorable to the State of South Carolina.

USET Priorities. The Catawba Nation is proud to be a member of the United South and Eastern Tribes, Inc. (USET), an inter-tribal organization representing 26 federally recognized Tribes from Texas across to Florida and up to Maine. Along with USET, the Catawba Nation believes that ***all*** Indian programs are vital to creating strong Tribal Governments and healthy Tribal communities, and that Congress should protect and improve current base funding levels for all programs and provide for increases in excess of the inflation rate. The Catawba Nation also supports USET's priority programs, which are:

- **Tribal Priority Allocations (TPA).** Funding for the Eastern Region Tribes TPA needs to increase by at least $10 million, even without considering our unmet historical needs.
- **Tribal Courts.** Currently, in the Eastern Region only 46% of the tribes receive BIA funding for the operation of their tribal courts. There should be sufficient funding for any tribe that needs to establish a court.

- **Scholarships.** Over the last several years, funding for BIA's post-secondary education programs has remained largely stagnant. This area should see increased funding.
- **Contract Support Costs.** There should be sufficient funding to assure that the BIA is able to meet 100% of its contract support obligation. Other Bureaus within the Department of Interior, as with other federal agencies, have achieved their obligation of paying a 100% contract support costs to their non-native contractors; this obligation cannot be ignored when it involves tribal 638 contractors.
- **Cultural Resources.** Adequate funding for Tribal cultural resource programs is essential to the spiritual, health, social, and economic wellbeing of Tribal communities.

***Carcieri* Fix.** In FY 2011, this Subcommittee included *Carcieri* fix language in its appropriations bill. In doing so, this Subcommittee was seeking to overturn the unjust Supreme Court decision in *Carcieri v. Salazar* which has led to two classes of Tribes – those that can take land into trust and build up their communities and those that cannot. Although Interior has determined that the Catawba Indian Nation does not have a *Carcieri* problem, it is not right that are two classes of Tribes. We ask that this Subcommittee take up the fight for fair and equal treatment of all Tribal nations and, once again, advance a *Carcieri* fix.

Conclusion. In conclusion, I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.

Mr. SIMPSON. Thank you.
Vice Chairman Nelson.

THURSDAY, APRIL 25, 2013.

HOOPA VALLEY TRIBE

WITNESS

BYRON NELSON

Mr. NELSON. Thank you, Mr. Chairman and the members of the subcommittee, for this opportunity.

As a vice chairman, I was kind of pushed into the lurch here that the chairman came down the Hill and then I had to come in. So please bear with me.

As kind of a side note, my grandfather changed his name in 1903 from Picktaw to Nelson, so I have no connection with the golfer.

Mr. SIMPSON. I thought you were famous there for a minute.

Mr. NELSON. To kind of give you an idea of my tribe, it is located in northwestern California, in a deep, 7 mile-long-by-4-mile-wide valley with the Trinity River running through it. The immediate surrounding mountains reach 2 to 4,000 feet above the valley. The reservation boundaries, which contains the Hoopa homeland, were set by a peace and friendship treaty in 1864 after a 5-year battle with the U.S. Government and U.S. military. We have 3,000 members today and the reservation is 12-by-12 miles square. It is the largest reservation in California.

You will hear some numbers here that I am about to give you, but as far as dollars, this will give you an idea on our financial needs. I will first start out with the ambulance service that we have for our K'ima Medical Center. K'ima means good medicine in Hoopa. The ANA responds to nearly 1,000 calls a year and provides a vital link to residents to our medical center and the next-closest hospital nearly 80 miles away. Third-party insurance and IHS reimbursements and do not cover the cost of this program. This lifeline has a budget shortfall of $470,516.

I will move on now to the Wildlife Suppression. Wildlife Suppression is vital in Hoopa Valley as our community is surrounded by thick forests and steep terrain. The BIA funds our program via an escrow account, which is a logistic and bureaucratic bottleneck. BIA funds a program at $175,000 a year but then only reimburses the actual cost years down the road. Congress should instead allocate to the tribe directly and use the same 10-year average suppression costs. These monies are already appropriated to federal agencies. They do not trickle down to the tribe in time to allow it to undertake adequate suppression activities. The tribe requests $561,689 in allocation to it directly, which is the 10-year average cost of suppression.

Next comes the improved waste treatment and water supply. Wastewater treatment is an urgent problem on the reservation. All homes and businesses are served by septic systems, but this has contaminated the water supply. The tribe is out of compliance with EPA standards on wastewater treatment and needs to resolve the problem valley-wide. Replacing septic systems is wasteful as they

are inadequate even when uncompromised and will require too much maintenance. Hoopa Valley has a planned wastewater treatment system to be completed in three phases for a total need of $26,938,980. We urge the committees to fund this important project for the tribe.

Next comes internet connection, providing internet connection for the valley residents. It is important that residents of the Hoopa Valley and nearby communities have access to the internet for educational, economic development, and healthcare purposes. We plan to construct a fiber-optic network connection at the cost of $15 million that will connect our valley to an existing fiber optic line. We respectfully request the committees fund this project to enable the Hoopa Valley Tribe to grow its economy.

Securing the tribe's energy needs, the tribe relies on nonrenewable and fossil fuel sources which are provided by outside entities and are costly. A tribal priority is to become energy independent using renewable energy sources, including solar power and micro hydroelectric generation. Our budget for this proposed energy development is $25 million, which we request for equipment purchase and installation, engineering, and startup costs.

Fully fund contract support costs. The tribe has compacts with IHS and BIA to run programs and shortfalls in contract support cost is a perennial problem. We echo the calls of others to reject the Administration's proposal to limit contractor's contract support costs contract-by-contract. This is a penalty for engaging in self-determination. Instead, we urge Congress to fully fund contract support costs for IHS at $670 million and the BIA at $242 million.

Hoopa Valley commends the Congress for passing the Tribal Law and Order Act, which we aim to use to assume concurrent criminal jurisdiction. There is little funding for hiring officers or staff for this, however. We have a good working relationship with our state and local law enforcement agencies, but our tribe's officers rely on tribal resources alone. The tribe currently needs $1.5 million for operations and salaries of our law enforcement officers, which we request in order to meet promises of the Tribal Law and Order Act.

I thank you for this opportunity today.

[The statement of Byron Nelson follows:]

April 25, 2013

Mr. Byron Nelson, Jr. Tribal Vice-Chairman
Hoopa Valley Tribe
P.O. Box 1348 - Hoopa, CA 95546
(530) 625-4795

Testimony to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies Regarding the Fiscal Year 2014 IHS and BIA Budget Request

On behalf of the Hoopa Valley Tribe, I submit the following testimony regarding the FY 2014 budget request. The Tribe requests the following:

- Funding for Ambulance Services: $470,516.
- Full funding for Fire Suppression: $561,689.
- Funding for Construction of Waste Treatment Facility: $26.9 million.
- Provide adequate appropriations to act as matching funds for broadband system construction: $15 million.
- $25 million to construct a micro-hydroelectric facility to serve the Reservation.
- Fully fund BIA & IHS contract support costs, and reject the Administration's proposed caps.
- Funding to carry out law enforcement under the Tribal Law and Order Act: $1.5 million.

The Hoopa Valley Indian Reservation is the largest reservation in California, covering approximately 144 square miles. The Hoopa Valley Tribe has 3,006 tribal members. Hoopa Valley was one of the first self-governance tribes in the nation, which has allowed us to leverage federal funds into effective programs to benefit tribal members and our neighbors in the community. However, we still face funding shortfalls that prevent us from growing our economy. We briefly highlight our priorities below.

K'ima:w Medical Center Ambulance Program Operations

The Tribe's healthcare facility, the K'ima:w Medical Center (KMC), serves as a critical healthcare link for people on and off the Hoopa Valley Reservation, in Humboldt, Trinity, and Siskiyou Counties. A vital part of that link is the KMC's ambulance program. The nearest hospital is nearly 80 miles away (which can be a trip of two and half hours over windy mountain roads), and the care we provide en route can be the difference between life and death.

While the ambulance responds to nearly 1,000 calls a year, the runs reimbursed by 3rd-party insurance or other payers do not provide enough revenue to support our operational costs. The IHS subsidizes the cost of leasing ambulances, but unfortunately does not provide operational costs to any of the IHS-affiliated EMS program. Our ambulance program had an average budget shortfall of $470,516.

To ensure the availability of critical, lifesaving tribal ambulance services like ours, we ask that the Committees supply $470,516 in funding for operations of ambulance programs.

Wildland Fire Suppression and Preparedness

The Tribe has run its wildfire suppression program since 2001 under a self-governance compact with the BIA. The BIA funds an escrow account for the program at $175,000 a year, but the account balance has never been adequate to meet the program needs. The Tribe ends up covering the federal government's portion, which—while reimbursed years later—hampers the Tribe's ability to perform other programmatic services. The solution to this dilemma is to use the method Congress uses to allocate funding to federal fire agencies, which is based on the "ten year average cost for suppression of fire." The ten-year average Congress uses to allocate funds includes the costs incurred by the Hoopa Tribe. With this, the funding we are asking for is routinely included within the annual allocation already—just not sent to the Tribe. Notably, the Fire Suppression costs we have identified and are requesting are those the Tribe has paid out and not the total actual costs for suppressing all fires. We request the Committee provide $561,689 to meet the Tribe's fire suppression needs.

Improve Waste Treatment and Water Supply

Our Reservation is home to roughly 3,000 people living in nearly 900 single-family dwellings. All homes and businesses are served by individual-on-site septic systems, which have proven inadequate at containing and managing the wastewater created. We must improve our sanitary systems to keep pace with our water use and supply.

We have systems built without adequate percolating capacity for the soil conditions of certain areas of our valley floor. Many leach fields are failing due to age and soil content. Further, roots entering leach fields are a major factor for failing tanks. Most wells in the Valley have been discontinued for drinking water due to contamination, and septic tank systems have failed to meet public health standards. Our disposal area is out of compliance with EPA standards (40 CFR 503), and we have mandates to resolve waste treatment needs valley-wide.

A new waste treatment facility is of critical importance, but we do not have adequate annual funding to operate, maintain and replace existing septic systems—which would be wasteful considering the light of the need for a proper water treatment facility.

We are prepared to construct a community waste treatment facility in phases. Our proposed phasing would allow us to use the infrastructure as it is constructed. Our valley is made up of eight fields: Norton, Mesket, Hosler, Agency, Campbell, Soctish, Chenone and Matilton, and the phasing is based upon these fields with the first phase being the most expensive: Phase I ($12,172,980), Phase 2 ($7,809,420), and Buildout ($6,956,580) for a total need of $26,938,980. We look forward to working with you regarding this project.

Providing Connections to the Internet for Valley Residents

In order to build our economy to meet the needs of our members, the Tribe has an immediate need for a broadband network. Whether it is for video conferencing to participate in federal programs and government-to-government exchange, telemedicine for monitoring of elders and the disabled and to allow access to advanced medical diagnostic and referral services off-Reservation, or for private-sector commercial development in general for our Reservation, broadband Internet access is the crucial enabling technology for these essential activities.

We plan to construct a fiber-optic network connecting the Hoopa Valley reservation community, and the largely non-Indian communities of Willow Creek and Salyer, CA with an existing fiber-optic line at the cost of $15 million for infrastructure installation. This would enable a later connection of nearby Yurok and Karuk tribal communities as well. The Tribe is working on grant funding opportunities, but significant matching funds would still be needed for such avenue to work. We respectfully request $15 million for these purposes.

Securing the Tribe's Energy Needs and Infrastructure

The Tribe is currently dependent on non-renewable and fossil-fuel energy resources generated by outside entities. Our remote location puts us at particular risk that these sources will be cut off, or remain out for significant periods due to difficulty accessing the reservation. Therefore, the Tribe has developed a comprehensive strategic energy plan aimed at creating energy self-sufficiency for our Reservation. This includes micro-hydroelectric projects using existing water resources, and solar power generation.

These kinds of power will provide great utility while being environmentally friendly and inexpensive to operate and maintain. When fully developed, these energy sources will remove the Tribe from dependence on externally generated electricity and fossil fuels for heat generation on the Reservation. The BIA Office of Indian Energy and Economic Development should be a partner in this endeavor. Our current estimates to adapt and install micro-hydroelectric and solar power generation infrastructure on our Reservation would require $25 million that would be used for equipment purchase and installation, supporting engineering, and initial operation start-up costs.

Congress Must Fully Fund Contract Support Costs

We are grateful for recent increases in Contract Support Costs, which enable, but there is still a ways to go in meeting the true need. Unfortunately, the President's proposed budget would continue the underfunding of CSC, particularly with regard to the IHS, crippling all tribes' ability to operate their programs as intended.

Indian Health Service

The President proposes $477,205,000 for CSC in the IHS for FY 2014. This amount is far below the estimated need of $617 million. While Congress has in the past appropriated additional funding for CSC owed to tribes and tribal consortia, those additional appropriated funds are not enough to eliminate the ongoing shortfall of CSC. As a result, the Tribe continues to endure significant financial restrictions that translate into less health care for our patients. The government has treated tribal contractors differently from other government contractors with regard to CSC payment. The Supreme Court ruled this disparity is unjustified, and in its decision *Salazar v. Ramah Navajo Chapter*, ordered the government to pay full CSC to tribal contractors.

In an attempt to sidestep this responsibility, the Administration proposes to limit CSC payments to tribal contractors by submitting a list of contractors to the House and Senate Appropriations Committees, with recommended, individual appropriations for each contractor. This proposed system is not only untenable and unwieldy; it is also unjust. The simplest and most fair answer is to fully fund tribal contractors' CSC. We urge the Congress to reject the President's proposal outright, and fully fund IHS contract support costs at $617 million.

Bureau of Indian Affairs

The President proposes $230 million for Bureau of Indian Affairs contract support costs. This amount is closer to the estimated full need of $242 million than the IHS proposal, but we ask that Congress fully fund the BIA's CSC as well.

The President's proposal to limit CSC funding via contractor-by-contractor caps applies to the BIA as well. Again, we strongly reject this effort, particularly because the Administration has made no effort to include tribes and tribal contractors in the process of preparing the proposed CSC tables. Chronic CSC shortfalls are an effective penalty for engaging in self-governance contracting. Both the annual underfunding and the Administration's proposal for FY 2014 are contrary to the stated policy of both the Congress and the Administration to encourage tribal self-determination. We urge the Committee instead to fully fund the BIA contract support costs at $242 million.

Securing the Hoopa Valley Community

The Tribe was happy to see the passage of the Tribal Law and Order Act, and seeks to assume concurrent criminal jurisdiction on our Reservation under the law. However, there has been very little federal assistance for these purposes.

The BIA currently provides only enough to cover hiring and staffing one to two officers. Currently, the Tribe funds ten officers, who are often the first and only responders to calls on our Reservation. As the largest reservation in the state, these officers are not enough to meet the public safety needs of our community, which faces significant and unique policing challenges due to rampant illegal drug trafficking and marijuana-related crime in the area.

Our Tribal Police Department is one of the first and only in the State of California to have a Joint Powers Agreement/MOU and a Deputization Agreement with the neighboring county, which is immensely important for cooperation purposes. However, the County provides no funds for law enforcement services; it merely deputizes our tribal officers who must rely entirely on the Tribe's resources. Our Police Department currently needs $1.5 million in funding for operation and salaries to ensure adequate law enforcement coverage on our Reservation and to meet the promises of the TLOA.

Conclusion

On behalf of the Hoopa Valley Tribe, we thank you for the opportunity to testify on these important issues.

Mr. SIMPSON. Thank you.
Chairwoman Morillo.

THURSDAY, APRIL 25, 2013.

SOBOBA BAND OF LUISENO INDIANS

WITNESS

ROSEMARY MORILLO

Ms. MORILLO. Good afternoon, Chairman Simpson. And good afternoon, Subcommittee. It is good to see all of you here today, and thank you for this opportunity.

My name is Rosemary Morillo. I am the chairwoman of the Soboba Band of Luiseno Indians. I have provided a written testimony for the record.

Soboba has approximately 1,200 members. Soboba is located in Southern California in the foothills of the San Jacinto Mountains next to the city of San Jacinto.

I am here today to testify for the need for appropriations to federal programs and Indian Country. I will discuss funding to the following agencies and programs: Department of the Interior for the timely processing of Fee-to-Trust applications and to exempt Fee-to-Trust consortium employees from furloughs; and Bureau of Education to support Soboba's Noli Indian School.

Funding for tribal programs should be protected from sequestration and budget cuts due to the Federal Government's trust responsibility to tribal nations based on treaties, agreements, and the relinquishment of land by tribes to the Federal Government. Tribal programs should not be treated as discretionary. Rather, these programs should be mandatory based on the Federal Government's promises to tribes.

It is essential that Congress fully fund the Department of Interior and the Bureau of Indian Affairs in order for tribes to take land into trust. Taking land into trust is one of the most important functions the Department undertakes on behalf of what are the recognized American Indian/Alaska Native tribes whose homelands are central to their people's health, safety, and economic well-being. This important function helps tribes like Soboba regained their aboriginal homelands.

Soboba currently has an application before the Department of Interior to take the Horseshoe Grande land into trust. Fee-to-Trust applications taken an unduly long time to process, costing tribes jobs and money. It is important that Congress continue to prioritize the timely processing of Fee-to-Trust applications at the Department of Interior.

Bureau of Indian Affairs Fee-to-Trust staff should be exempted from furloughs because they are funded by the California Fee-to-Trust Consortium member tribes through Memorandums of Understanding. Tribes fund the work of Fee-to-Trust staff through tribal priority allocations. In 2010 the consortium was an honoree of the Harvard Project on American Indian Economic Development.

In California, Bureau of Indian Affairs specific regional staff who work on Fee-to-Trust acquisitions are set to face eminent furloughs

due to the sequester. The Pacific Regional Office already has a backlog in processing Fee-to-Trust applications. Most tribes in California do not have sufficient land to meet current housing, community, and economic development needs, and a significant number are landless. I request your support to make these employees exempt from furlough.

To support grant programs to continue the operation of the Noli School, Soboba runs the Noli Indian School. There are 150 native students at Noli representing approximately 27 tribes. Students are bused in from local reservations sometimes traveling up to 2 hours each way. Noli School teaches culture and language. Classes currently, Noli is facing a 6 percent federal cut and would lose 200,000 of its budget. Any further cuts will force the principal to fire staff and teachers.

Congress needs to fully fund the Indian Student Equalization Program, which provides the core budget for Bureau of Indian Education elementary and secondary schools by covering salaries for teachers, aides, principles, and other personnel. Indian Student Equalization Program funds are often reallocated to cover the program cuts in other areas of education.

I thank you for your time today.

[The statement of Rosemary Morillo follows:]

Testimony before the House Committee on Appropriations: Subcommittee on the Interior, Environment, and Related Agencies
April 25, 2013
Submitted by Rosemary Morillo, Chairwoman
Soboba Band of Luiseño Indians

Introduction

My name is Rosemary Morillo, and I am the Chairwoman of the Soboba Band of Luiseño Indians. My tribe is located in southern California, in the foothills of the San Jacinto Mountains, across the San Jacinto River from the city of San Jacinto. We have lived in this area since time immemorial. I am here today to testify for the need for appropriations to federal programs in Indian Country. I will discuss funding to the following agencies and programs:

1. Department of the Interior ("DOI") for the processing of fee-to-trust applications; and
2. Bureau of Indian Affairs ("BIA") to exempt fee-to-trust consortium employees from furloughs, and to implement a Carcieri fix; and
3. Bureau of Indian Education ("BIE") to support the Noli Indian School; and
4. Indian Health Service ("IHS") to fully fund healthcare programs and contract support costs, and to eliminate any tribal caps on contract support payments; and
5. Temporary Assistance for Needy Families ("TANF") to support tribally run programs; and
6. Army Corps of Engineers ("ACE") to request a feasibility study to address water resource development at Soboba.

History and Background of Soboba

Soboba relied upon the water from the San Jacinto River, its tributary streams, and more than forty springs for our survival. Much of our aboriginal land was taken from us by American settlers, the state of California, and the U.S. government.

In 1883, the President of the United States established a reservation for us by Executive Order. However, the reservation land did not include our ancestral village, cultivated lands, and major springs that we depended on. Our water sources were continually diverted off reservation until finally, all of our water sources dried up. We are reacquiring some of our water resources as a result of litigation and a water settlement in 2008. However, we still struggle with land use issues. Although Soboba has almost 7,000 acres of trust land, fewer than 600 acres remain available for development. This is due in part to the fact that the United States condemned 300 acres of our prime land to protect the non-Indian community next to the reservation from flooding.

Sequestration

Sequestration is affecting Indian Country disproportionately. Poverty on the reservations is more than 2.5 times higher than the total population, while unemployment rates on the reservations are, on average, twice as high as the total population.[1] Most federally-funded Indian programs fall within the non-defense discretionary spending category of the federal budget. For

[1] NATIONAL CONGRESS OF AMERICAN INDIANS, (2013) *SECURING OUR FUTURES*. WASHINGTON, DC: AUTHOR, PG 4.

the fiscal year 2013, non-defense discretionary spending is 14.8% of the overall budget, whereas the BIA is 0.07% and IHS is 0.12% of the overall federal budget. During the first year of sequestration, there will be an 8.2% reduction in non-defense discretionary spending and 7.6% reduction in appropriations for direct spending. In addition to the cuts mentioned above, discretionary programs have already faced $1.5 trillion in spending cuts through the Budget Control Act. These cuts are disabling federally funded programs in Indian country at a disproportionate rate.[2]

Department of the Interior
Bureau of Indian Affairs

To Support the Timely Processing of Fee-to-Trust Applications

It is essential that Congress fully fund the DOI and the BIA in order for tribes to take land into trust. "Taking land into trust is one of the most important functions the Department undertakes on behalf of federally recognized American Indian and Alaska Native tribes, whose homelands are essential to their people's health, safety, and economic well-being."[3] This important function helps tribes like Soboba regain their aboriginal homelands. Presently, fee-to-trust applications take a long time to process. It is important that Congress adequately fund the DOI in order to hire additional staff in Washington, D.C., and in the twelve BIA regional offices, so that BIA employees can process fee-to-trust applications faster.

To Exempt BIA Fee-to-Trust Consortium Employees from Furloughs

In California, BIA Pacific Regional staff who work on fee-to-trust acquisitions are set to face imminent furloughs due to the sequester. The Pacific Regional Office already has a backlog in processing fee-to-trust applications. Most tribes in California do not have sufficient land to meet current housing, community, and economic development needs and a significant number are landless. The California Fee-to-Trust Consortium was established to create a Memorandum of Understanding ("MOU") between tribes and the BIA Pacific Regional Office to expedite processing of fee-to-trust applications. Tribes fund the work of fee-to-trust staff through Tribal Priority Allocations. BIA fee-to-trust staff should be exempted from furloughs because they are funded by Consortium member tribes through the MOU.

To Support Soboba's Efforts to Transfer Horseshoe Grande into Trust Land

At Soboba, much of the Reservation is steep and mountainous, and most of the developable land lies adjacent to the San Jacinto River. Much of it is useless, however, because in the mid-1960s the United States sued Soboba to condemn more than 300 acres of prime Reservation real estate to allow it to flood, so that the non-Indian land on the other side of the river would not require as high a levee to protect it. Thus, Soboba is limited in where it may place economic development ventures. Soboba is intent on reacquiring aboriginal lands, and specifically to convert 534.91 acres of tribally-owned property (Horseshoe Grande Site) that is contiguous to the boundaries of the Soboba Indian Reservation to Federal trust status. The

[2] http://www.fas.org/sgp/crs/misc/R42675.pdf, The Budget Control Act of 2011: Budgetary Effects of Proposals to Replace the FY2013 Sequester, November 9, 2012.
[3] News Release by U.S. Dep't of the Interior, Office of the Assistant See'y-Indian Affairs, President's Fiscal Year 2014 Indian Affairs Budget Focuses on Strengthening and Supporting Tribal Nations (Apr. 10, 2013)(www.doi.gov).

Horseshoe Grande Project would create a sizable source of employment for tribal members and residents of the local communities. Staff at BIA should be fully funded in order to process these important fee-to-trust applications.

To Support the President's Budget Request for a Carcieri Fix

Soboba supports the President's Budget request for a no-cost Carcieri fix. In 2009 the Supreme Court ruled against tribes in *Carcieri v. Salazar*. The case has a serious negative impact on tribes by forcing tribes to prove that they were under federal jurisdiction in 1934 in order to have land transferred into trust. *Carcieri* has the following impacts on tribes: 1) *Carcieri* creates the unequal treatment of federally recognized Indian Tribes; and 2) it threatens public safety and tribal law enforcement; and 3) it is a barrier to economic development; and 4) it freezes access to capital; and 5) it increases federal litigation over settled federal policy and practice.[4] Congress should support the President's Budget, to amend the Indian Reorganization Act, which mirrors the language of H.R. 666.

Bureau of Indian Education

To Support Grant Programs to Continue the Operation of the Noli Indian School

Soboba runs the Noli Indian School. Noli School is funded, in part, by federal grants. The student population is made up of all Native American students, and represents approximately twenty-seven tribes. Students are bussed in from local reservations within an 80-mile radius of the school. Noli School teaches culture and language classes to its Native students. Congress should fully fun the Johnson O'Malley program, Student Transportation funds, and Tribal Grant Support Costs programs so that Soboba can continue to operate its tribal school.

Health and Human Services
Indian Health Service

To Increase IHS Funding

IHS facilities around Indian Country provide health care to our Indian communities that were promised to us by the federal government through treaties. IHS is consistently underfunded. For example, most IHS clinics are incapable of providing sexual assault examinations to Indian clients who have been raped. It is essential that IHS funding is increased to provide these and other essential medical services to our Indian people. Additionally, Congress should provide funding for staffing at IHS facilities, new facility construction, alcohol and substance abuse prevention and treatment programs, as well as dental and mental health programs. These programs are essential to Indian Country to help fulfill the government's promise to us.

To Eliminate Contract Support Cost Tribal Caps

Contract support costs need to be fully funded at BIA and IHS, consistent with the Supreme Court decision in *Salazar v. Ramah Navajo Chapter*. Soboba does not support the tribal caps on the payment of contract support costs in the President's Budget. Contract support cost funding helps tribes pay health care costs when alternative health care facilities contract with the federal government to provide health care to Indian people.

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[4] S. Rep. No. 112-166 at 142 (2011-2012).

Temporary Assistance for Needy Families

To Fully Fund Tribally Run TANF Programs

Soboba administers its own tribal TANF program for Indian families living on the Soboba Indian Reservation. Tribal TANF is a federally and state funded program that provides time-limited assistance to needy families with children. Soboba relies on federal funding to operate its program. "One of the greatest elements of the tribal TANF program is that it allows for Native children who would normally be lost in the foster care system to be cared for in their homes or in the homes of their relatives."[5]

All tribal TANF programs should be fully funded. Tribes should be able to renegotiate their funding levels using their case loads to determine base funding levels instead of keeping tribes locked into funding rates from 1994. Currently, families can only receive benefits for five years. This federal standard is unfair due to the high unemployment and poverty rates on reservations. This unfair standard should be eliminated.

Army Corps of Engineers

To Fund the ACE to Conduct a Feasibility Study at Soboba

Soboba is requesting a feasibility study to address the water resource development and management needs of our tribe. This study is necessary to supplement the tribe's need for new sewage infrastructure that will replace its present residential and commercial septic systems.

The Soboba Settlement Act (Pub. L. 110-297) provided $11 million "to pay or reimburse costs associated with constructing, operating, and maintaining water and sewage infrastructure, and other water-related development projects." Those funds have been completely expended on a new reservation water storage and distribution system and leave no funding for the sewage infrastructure. Replacement of the reservation septic systems is a critical step in protecting the water supply of the San Jacinto groundwater basin, which is one of the primary objectives of the Soboba Settlement Act.

Condemnation of the easement occurred in connection with the San Jacinto River and Bautista Creek Improvement Project, authorized by Congress under Title II, Section 204 of the Flood Control Act of 1950. Among other things, the project involved the construction of a levee on the west side of the San Jacinto River, opposite the Reservation, to protect the non-Indian communities of San Jacinto and Valle Vista from flooding. Rather than build a similar levee on the east side to protect the Reservation, however, the federal government opted to allow it to flood. When Soboba objected, the United States went to court and in 1966, over Soboba's objection, obtained a 296-acre flowage easement, as well as fee simple title to a 20-acre tract, encompassing some of the best land on the Reservation.

It is on part of this condemned land that Soboba now needs to locate its wastewater treatment plant. Construction of a flood control levee is an essential component of the project because the only practical Reservation site for the wastewater treatment plant is within the flowage easement for the San Jacinto River which was condemned by the United States. Construction of the levee would allow the easement to be vacated, thus providing a site for the treatment plant as well as correcting a historic injustice suffered by the Soboba people. Congress should fund the ACE for $1,700,000 to complete Soboba's feasibility study.

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[5] Shonta Chaloux, the Executive Director of Soboba Tribal TANF program

Mr. SIMPSON. Thank you.
Chairman Billie.

THURSDAY, APRIL 25, 2013.

MICCOSUKEE TRIBE OF INDIANS

WITNESS

COLLEY BILLIE

Mr. BILLIE. Thank you. My name is Colley Billie and I am the chairman of the Miccosukee Tribe of Indians of Florida. Thank you for providing me the opportunity to testify today.

With me today are Tribal Elder Wayne Billie, Miccosukee Student Representative Linda Osceola, Tribal Member Priscilla Cyprus Buster, Student Coordinator Melissa Garcia, Tribal Member Michael Frank, Tribal Member Houston Cyprus, Water Resources Director James Erskine, Fish and Wildlife Director Rory Feeney, and my assistant, Melissa Pittman.

Of the Miccosukee people for hundreds of years and our commitment to its restoration is unwavering because protecting our home in our traditional ways of life depends on it. My testimony focuses on the following two priorities: One, stopping the massive Skyway bridging on the Tamiami Trail adjacent to tribal lands; and two, ensuring that EPA, the Department of Interior, and the Army Corps of Engineers prioritize improving water quality in the Everglades.

To give you an idea of the Everglades, we are putting up a satellite map. Here are the tribal lands. Can you point them out? Thank you. And point out the Everglades National Park. Also Tamiami Trail. Point out where the Everglades National Park and the Army Corps are constructing the bridges. Also, can you point out where Miami and other urban areas are? That is on the East Coast. Also, point out to where the areas where the sugar orange and cattle farms are. These farms generate high levels of phosphorus and other pollutants. Also, areas designated to be stormwater treatment areas to treat the polluted water, but they have never been sufficient to clean the water and the Everglades and Miccosukee lands. Also, Lake Okeechobee, where water from the historic river started before man reengineered it.

Over 100 years ago the water flowed from Lake Okeechobee to Florida Bay. As you can see, we live in the heart of the Everglades. Given the enormous cost of Everglades restoration in these tight fiscal times, taxpayer dollars should be used wisely and effectively. However, we see a disjointed approach on projects resulting in decisions that harm the Miccosukee people. One of these projects is the massive Skyway bridging of the Tamiami Trail. The tribe strongly opposes this.

With the near completion of the one-mile bridge at a cost of $81 million, the National Park Service is now requesting an additional $30 million in fiscal year 2014 to begin a new 2.6 mile bridge that is estimated to cost at least 110 million. In addition, a further set of bridges is authorized for another 2.9 miles that will bring the total cost to over $310 million. These Skyway bridges are unneces-

sary and a waste of taxpayer dollars. National Park Service claims that bridging is needed to improve water flow into Everglades National Park.

However, the trail already has a set of culverts underneath it that will convey water into the park if they were simply cleared and maintained as intended. Adding swales and culverts where necessary would considerably increase the flow of water and help to produce a natural sheet flow at a fraction of the cost. Culverts are found throughout the Everglades. Studies have shown that they work.

Further, there are no plans to comprehensively move the massive levy that runs parallel to the Tamiami Trail. The bridging is only connecting the park to the L–29 Canal and not to the broader Everglades. This is not ecological connectivity.

Also, it is not clear that the water that will flow under the one-mile bridge into the park will not seep back into the L–31 North Canal on the eastern side of the park creating flood concerns and a circular flow of water back into L–29 Canal and into the park. This is not restoration. The effectiveness of the one-mile bridge should be determined before building another costly bridge.

For fiscal year 2014, National Park Service has requested $30 million as a one-time contribution. "This is to leverage funds from other sources." Yet, there is no agreement with the State of Florida or any other source to cover the remaining $80 million to finish this project, let alone the remaining bridge that will surely cost more than 110 million.

National Park Service has also acknowledged a backlog of over $11 billion in deferred maintenance. Yet, National Park Service opposes to spend $30 million of its proposed fiscal year 2014 $116 million construction budget on a new construction project. Given the effects of sequestration and the continued limits on the budget, this project does not make sense, especially considering that it will not achieve its intended purpose.

The tribe's second priority is the need to improve water quality. In the L–28 Canal system dumps water into Miccosukee land that often has over 100 parts per billion of phosphorus, 10 times the EPA-approved standard.

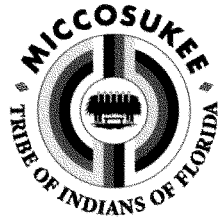
Our land is being used as a de facto stormwater treatment area. It has caused devastating impact to our lands and the entire Everglades ecosystem. Even if the bridging is constructed, Everglades National Park cannot accept this dirty water into the park. Addressing contamination in the L–28 canal system must be a top priority for true restoration of the Everglades. All options for resolving this must be considered in any final resolution must be consistent with the tribe's policy and way of life.

I am leaving for you today resolutions from the National Congress of American Indians and the United South and Eastern Tribes opposing the bridging and supporting the restoration of the water quality of the Everglades.

In closing, we respectfully ask that no more funding be appropriated to bridge the trail and that the Committee consider implementing the cost-effective culvert and swale approach. In addition, we ask the Committee support efforts to address the poor water

quality of the Western Everglades and the L–28 canal system. Thank you.

[The statement of Colley Billie follows:]



BIOGRAPHY
CHAIRMAN COLLEY BILLIE

On January 5, 2010, Colley Billie was inaugurated as the new Chairman of the Miccosukee Tribe of Indians of Florida.

Chairman Billie brings with him a profound respect for the environment, exemplified in a simple philosophy: *"We must honor the earth, from where we are made."* Indeed, his dedication to environmental issues is a reflection of the Miccosukee Tribe's unwavering commitment to preserving the Everglades, a position that has transcended generations.

As Chairman of the Tribe, Chairman Billie will work with the Business Council to effectively manage and develop the resources of the Tribe. His primary focus will be on initiatives related to issues of governance, sovereignty, economic development, tribal matters and environmental stewardship.

Chairman Billie studied Management at Stetson University where he graduated with a BBA Degree. He also served as Poker Director at Miccosukee Resort & Gaming for ten years.

The Miccosukee Tribe of Indians of Florida is a sovereign domestic nation within the United States comprised of approximately 650 members.

Statement of Chairman Colley Billie, Miccosukee Tribe of Indians of Florida
Public Witness Hearing on Native American Issues
House Interior Appropriations Subcommittee
April 25, 2013

My name is Colley Billie, and I am the Chairman of the Miccosukee Tribe of Indians of Florida (Tribe). Thank you for the opportunity to testify on a critical issue to the Miccosukee people – our home, the Everglades. My testimony focuses on the Tribe's priorities for Everglades restoration and the protection of our traditional ways of life. The Tribe strongly supports a comprehensive approach to restoration that focuses on improving water quality throughout the Everglades before it is too late and before the Everglades are forever damaged. However, the Tribe strongly opposes the National Park Service's (NPS) request of $30 million for the purpose of constructing massive skyway bridging for an additional 2.6-miles of the Tamiami Trail (Trail). The bridging will not allow NPS to achieve its stated goals of helping to restore the Everglades and deliver water to Everglades National Park (Park). There are effective alternatives to deliver water to the Park at a fraction of the cost.

For hundreds of years, the Everglades have been our home. The Everglades was our refuge as we evaded removal to the west. For generations, the land and the waters of the Everglades sustained our people. We have always sought to honor and protect our environment through responsible stewardship of the land. However, after years of environmental degradation caused by others, our way of life has been deeply affected. Because we are the people most affected by the health of the Everglades, the Tribe has fully supported restoration efforts of the Everglades. The Tribe was deeply engaged in the development of the Comprehensive Everglades Restoration Plan (CERP) and supported its passage by Congress as part of the Water Resources Development Act (WRDA) of 2000. We have always advocated for true restoration of the Everglades through a holistic approach focused on improving the quality of the water first.

For the past decade, this Committee has shown a commitment to Everglades restoration with over $600 million appropriated for Department of Interior (DOI) Everglades restoration efforts since FY05. We support the Committee's overall goals of restoring the Everglades. More specifically, the Tribe supports provisions in the committee reports of the FY04 and FY08 House Interior Appropriations bills that prioritized the need to improve the water quality in the Everglades, including the need to adequately develop Stormwater Treatment Areas (STA) to treat contaminated water from the Everglades agricultural areas before allowing it to flow onto tribal lands and other parts of the Everglades.

However, despite the large amount of funding, restoration efforts have not been comprehensive and have lacked coordination or follow through to completion. For example, the Western Everglades, including the L-28 canal system that dead ends on the Miccosukee Federal Reservation and delivers water that exceeds EPA-approved standards by more than 10 times, have not been addressed in any meaningful way. Instead, projects that do not address water quality and are not even part of the CERP have moved forward in a seemingly arbitrary way.

One such project has been the massive skyway bridging of the Trail. Over the last decade, there have been multiple plans and attempts to build bridges on the Trail. The Tribe has witnessed a

constantly changing array of alternatives that has culminated with Appropriations bills being used to authorize bridging projects and evade proper regulatory and legislative procedure. After years of differing proposals, in August of 2008, the Limited Reevaluation Report (LRR) recommended a one-mile bridge on the eastern portion of the Trail. In September 2008, Congress passed the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act (P.L. 110-329) providing the authority and funding for the one-mile bridge. In November 2008, at the request of the Tribe, a federal judge issued an injunction to prevent further bridging because NEPA had not been properly followed.

However, in March 2009, Congress passed the FY09 Omnibus Appropriations Act that included a provision directing the Army Corps of Engineers to begin construction of the one-mile bridge "notwithstanding any other provision of law" so that NEPA no longer applied to the bridging project and the injunction was lifted. In addition, NPS was directed to consider alternatives for further bridging; and, in December 2010, NPS issued a Final Environmental Impact Statement (FEIS) recommending an additional 5.5 miles of skyway bridging and elevated roads for the remainder of the 10.7 miles of the Trail at an estimated cost of $310 million. The FY12 Omnibus Appropriations Act authorized NPS to construct the additional 5.5 miles of skyway bridging but did not provide funding for construction.

Now, NPS, in its FY14 budget proposal, has requested $30 million for a new 2.6-mile bridge "as a one time contribution...to leverage funds from other sources to cover the remaining costs..." NPS estimates the cost of this skyway bridge to be $110 million.

Skyway Bridging of the Tamiami Trail is Wasteful and Ineffective

The scope of the bridging project is large, far exceeding the footprint of the current Trail. For some, this bridge project has become a symbol of Everglades Restoration. To us, it would be an empty symbol. Bridging advocates claim that the bridge will allow water to flow "freely" from Lake Okeechobee in the north to Florida Bay hundreds of miles to the south, through tribal lands, to restore the historic River of Grass. However, the waters discharged from Lake Okeechobee are diverted through a complex canal and levee system and are laden with pollution. Before the goal of redirecting water from Lake Okeechobee to flow south through tribal lands to the Park can be accomplished, water quality treatment and storage solutions must be implemented.

The Park has stated that it needs to build the one-mile bridge and the additional 5.5 miles of bridging to increase the volume of water entering the Park, restore the natural sheet flow, and increase ecological connectivity. However, the Trail already has a set of culverts underneath it that would convey a significant amount of water into the Park if they were simply cleared of vegetation, sediment, and garbage and maintained as intended. Adding swales and additional culverts where necessary would considerably increase the flow of water cost effectively. In addition, the swales would help produce the natural sheet flow by widely distributing the water.

In fact, a 2010 study by the University of Miami commissioned by the Park to evaluate the effectiveness of the culvert and swale approach concluded that this approach would be highly effective at moving water under the Trail at a fraction of the cost. The 2008 LRR estimated that the installation of spreader swales would cost $17 million. As a result, the Park began moving toward implementing a pilot culvert and swale project but then apparently delayed this project in

favor of bridging. The reality is that culverts are used widely throughout the Everglades on many roads, including Flamingo Road (the main road) in the Park and I-75 in the north, to effectively convey water. If culverts work in these areas, why would they not work on the Trail?

Despite producing similar volumes and sheet flow, the culvert and swale option was eliminated because the Park argued that only bridging could provide "ecological connectivity." Essentially, ecological connectivity was calculated based on the length of the opening connecting the Park with the water north of the Trail. In reality, the bridging is only connecting the Park with the L-29 canal. North of the L-29 canal is a levee separating the L-29 canal from Water Conservation Area (WCA) 3A and 3B. To date, there is no plan to fully remove this levee and truly connect the WCAs with the Park. In fact, the current plan to increase water flow into the Park entails increasing the level of the L-29 canal to spill into the Park under the bridge, not to fully connect to the WCAs. Connecting the Park to a canal is not ecological connectivity.

It is not at all clear that the waters flowing under the 1-mile bridge into the Park will not significantly seep back into the L-31N canal on the eastern side of the Park, creating flood concerns. Seepage into this canal will lead to the extra water having to be pumped back into the L-29 canal and ultimately into the Park again in a circular flow. This is not restoration. The effectiveness of the 1-mile bridge should be determined before building another costly bridge.

Given the current constraints on the federal budget, NPS's plan of a one-time contribution seems highly uncertain at best. Two weeks ago, NPS Director Jon Jarvis testified here that there was no agreement with the state of Florida or any other source to cover the remaining $80 million that this 2.6-mile increment of bridging will cost. The federal government and the state of Florida have historically disputed Everglades restoration costs, and we understand that officials from the state of Florida question the cost-effectiveness of skyway bridging the Trail. In their comments to the FEIS in 2010, the South Florida Water Management District expressed concerns about the effectiveness of the bridge, due to water quality issues, and questioned why the culvert and swale approach was not considered. What will happen if NPS is not able to secure the additional $80 million needed to complete this project? Will NPS ask for another one-time contribution? Also, what about the remaining 4 bridges spanning another 2.9 miles authorized under the FY12 Omnibus Appropriations Act that will cost more than $110 million? Will these also require one-time contributions from NPS to leverage still more funding from the state of Florida? The 1-mile bridge exceeded the original estimates due to significant cost overruns, and we believe this 2.6-mile increment will far exceed the $110 million estimate, too.

Director Jarvis also acknowledged a backlog of over $11B in deferred maintenance throughout the National Park system. Yet, despite this enormous backlog, NPS proposes to spend $30 million of its proposed FY14 $160 million construction budget, not on addressing this backlog, but rather on a new construction project dependent on securing another $80 million in funding from other sources to complete. Given the effects of sequestration and the continued limits on the budget, this project does not make sense, especially considering that it will not achieve its intended purpose.

Just two weeks ago, former Secretary Salazar testified before this Committee that this is "a budget of tough choices" and that DOI does not have the resources to fund the construction of

new schools in Indian country. Yet, the Department has $30 million to partially fund a bridge that will be ineffective and wasteful? Instead of spending millions more on bridging, the Miccosukee Tribe strongly urges the immediate implementation of a culvert and swale approach that would clear the existing culverts and add additional culverts and swales as necessary so that water can flow more effectively into the Park.

True Restoration of the Everglades Begins With Improving Water Quality
The Tribe believes that continued bridging diverts limited federal resources from projects that clean the water – the key to actually restoring the Everglades. If NPS succeeds in completing the bridging, hundreds of millions of dollars will have been spent on trying to move dirty water from one place to another. By law and regulation, the Park cannot accept water that exceeds the EPA agreed to standard of 10 ppb phosphorous. Right now, water quality in many areas of the Everglades on the Miccosukee Federal Reservation and Leased Land Area do not meet this standard and cannot be moved into the Park. It does not make sense to spend millions of dollars on bridging before ensuring that the water is clean.

Recently, as a result of litigation initiated by the Tribe, EPA and the state of Florida entered into a "Framework Agreement" (Agreement) to address water quality issues in the Everglades. This Agreement calls for a number of projects, including the expansion of STAs and the creation of Flow Equalization Basins (FEBs). While the Tribe is encouraged by this Agreement, we have several concerns. Most importantly, this Agreement does nothing to address poor water quality in the L-28 canal system in the Western Everglades. The L-28 Interceptor canal ends on the Miccosukee Federal Reservation as a free flowing discharge with water that can exceed 100 ppb of phosphorous, over 10 times the accepted standard. The combined impacts and phosphorus load from these discharges have caused devastating impacts on tribal lands, WCA 3A, and the Everglades ecosystem. Recent data from the 2011 South Florida Environmental Report shows that the combined discharge from the L-28 canal system comprises nearly 30% of the total phosphorus load discharged into WCA 3A. For far too long, Miccosukee lands have been treated as a *de facto* STA (dumping ground for contaminated water).

Addressing contamination in the L-28 canal system must be a top priority for true restoration of the Everglades and to ensure that our homelands, culture, and traditions are protected. The Tribe believes that all options for resolving this must be considered; and, because the L-28 canal system directly impacts the Miccosukee Federal Reservation, any final resolution must be consistent with the Tribe's policies and way of life. We ask that the Committee urge DOI to address the poor water quality of the L-28 canal system.

Conclusion
As the people who live in the Everglades, the Miccosukee Tribe is committed to its full restoration. We are deeply concerned that precious resources that should be spent on cleaning the water now before it is too late are being spent on costly and ineffective projects that ultimately will not help achieve restoration of the Everglades. We urge that no more funding be appropriated to bridging the Trail and that the Committee consider implementing the cost-effective culvert and swale approach to provide the water that the Park says it needs. In addition, we ask that the Committee support efforts to address the poor water quality of the Western Everglades and the L-28 canal system.

Mr. SIMPSON. I thank the gentleman for his testimony. We are now open for questions. I just wanted to say welcome to Rosemary from my county in Riverside, California. Thank you for coming out today.

And with that, Jim, do you have any questions?

Mr. MORAN. Thank you. I do not really have questions. We are going to have to pursue the issues that Chairman Billie has raised with regard to this bridge with the Park Service. Clearly, we have differences of opinion with the Everglades Trust, and I think it is very important that the Miccosukee Tribe share with us their perspectives, which, had you not come and joined this panel, we really would not have been aware of it. And we appreciate the time you have taken and those who represent you.

I wanted to just say a word about the Catawba Nation. This is a situation that John Spratt, former colleague from South Carolina, who was the chair of the Budget Committee apprised me of. I do not know that there is an Indian tribe on this continent really that has not been discriminated against in some manner or other, but the treatment of the Catawba Nation by the State of South Carolina has been particularly brutal. The Catawba actually served as guides to George Washington and are loyal to our founding nation, and yet the state took over 2,400 acre reservation from them, prevents them from having any kind of economic activity, does not let them have casinos, does not even let them do anything really that would generate revenue. And it has just been a terribly unjust situation.

You know, and it just goes in my mind why there needs to be federal intervention because you cannot count on at least some states being reasonable and equitable. And the Catawba Nation has particularly suffered discrimination by their state officials. So I just wanted to put that on the record. If anybody from South Carolina is listening, they should know that there are some people who were aware of the horrible treatment that this tribe has received from the state.

And I mentioned Penobscot, which gets better treated by the State of Maine. I just wanted to make those random comments, Mr. Chairman. And I appreciate again the panel.

Mr. SIMPSON. I thank the gentleman.

Mr. Cole.

Mr. COLE. Thanks. I want to associate myself very much with my good friend's remarks, quite frankly. As normal on these issues, he is spot on target on all of these issues.

I just again want to thank all of you for traveling this way. And Rosemary, it is good to see you. I have had the privilege of seeing that school and it is a marvelous institution. It is really a great place to visit.

But I want to thank all of you for traveling all this distance, and it is enormously helpful to the Subcommittee when you do because it brings these things into focus for us and obviously for our staff. So I know sometimes you wonder whether or not it matters, but believe me, it does.

I know in the case of the Catawbas, there was actually testimony here that put Mr. Moran and myself in a position to help a little bit your predecessor and solve at least some of the federal aspects.

But you are quite right; the degree of your sovereignty I think has been consistently violated. There ought to be some sort of federal remedy to that.

One of you mentioned the Carcieri issue. I believe it was you actually, Chairman. And that is another case where we have allowed states to oversee and create effectively different classes of Indian tribes. And there really should not be different kinds of Indian tribes in terms of their relationship with the Federal Government. It ought to all be equal across the board and strictly government-to-government.

And so we have got some big issues in that regard to try and work through, and in this committee at least, you will see them handled and approached in a very bipartisan fashion. So we look forward to working with you each on your individual issues.

Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you.

Mr. HARRIS. Thank you, Mr. Cole.

Mr. SIMPSON. Thank you. Ms. McCollum.

Ms. MCCOLLUM. Thank you. And this is been a very enlightening couple of days here. I learned a lot and I have to say that the unity in which Indian Country addressed and supported the needs of all the children and all the elders of Indian Country from the horrific mistake that was made both on Impact Aid, which affects children and schools, as well as what happened with healthcare. You have heard us repeatedly say we stand committed to try and solve that problem. So the beautiful scenic lily pad picture, folks, that is not a scenic picture. Lily pads should not be there and those cattails should not be there. Where there are that many cattails, then there is one heck of a lot of pollution. And the cattails are taking over the natural habitat because Mother Nature—that is Mother Nature's filtration system, and she only starts destroying her habitat trying to clean it up when it is in imminent crisis.

And so long before I was on this committee because I remember hearing it on the news and everybody was congratulating themselves on what we were doing with Everglades restoration, and I think this committee—because we work on water quality, we work on Park Service, you know, all these pieces are kind of in our jurisdiction, we should take a real hard look and see what really has happened to improve the water quality into the Everglades because that is not a good picture at all.

And then the other question I would have, because we have limited resources, if the Park Service has another budget, the money that they have set aside for doing this bridging and tens of thousands of dollars and millions of dollars and there is no matching fund out there, I think we ought to know that there is no matching fund because I do not know what happens in our limited budget if we set that money aside in the State of Florida and nobody else is coming in to do the match when we have so many pent-up needs.

So I would like to understand how this match works better and maybe staff can enlighten me through a phone call or something. What happens if we set aside this money to do this bridging and then it does not happen and we have so many other projects? Well, then, the Park Service in other areas are putting it towards clean-up, if we lose the opportunity to do some real good with that money

because I am concerned that the match is not there. And even Jarvis in his testimony has said that it is not there.

So I think we need to understand that a whole lot better as we put our budget together, what is there and what is not there. And I say this as a state legislator. Sometimes they say, well, you know, it was like chicken-and-egg. We can leverage the money if you put it in first and then, no, the feds have to move first to leverage the money. No, the states have to move first to leverage the money. Well, money is tight and I do not know that we have money just to be sitting on the table with all the needs we have heard here today, with all the needs that we have heard from the Park Service, all the needs in our jurisdiction that we would have any money kind of setting out there where it will not be put to its high, most cost-effective use.

So maybe staff can explain to me how leveraged money works and what happens to it if it is not leveraged in time.

Mr. SIMPSON. I thank the gentlelady.

Ms. Pingree.

Ms. PINGREE. Thank you, Mr. Chair. And I will just echo many of the remarks that my colleagues have already made here today. And thank you. This was a fascinating and very diverse from all parts of the country with multiple different challenges that I think this committee needs to be looking at. So thank you all for bringing your very different testimony. And thank you in particular to the chief from my home state.

And I do want to just echo I know you and I had a chance to talk before, and I want to say that some of the issues that you brought forward are the ones that this panel has been hearing about, particularly the sequester and the healthcare costs, which are patently unfair to Indian communities in ways that we have held harmless in the sequester and the rest of the population. So I know that was something you emphasized.

And I also just want to say how impressed, you know, as I mentioned I first got to know the tribes at length serving in the legislature 20 years ago because of the tribal reps who served in our legislature, and I think you and so many others have done an incredible job using the resources that have been available. And while we still have 16 percent unemployment in your community, it is down, and you have done a lot with economic development. And I am glad that you mentioned some of the places today where access to capital and job placement, all the things that we really have to do more with and make sure that you have available.

And I do not know if there is anything else you would like to add, but I just thought you did a great job today.

Mr. FRANCIS. Thank you.

Ms. PINGREE. Great. Well, thank you.

Thanks, Mr. Chairman.

Mr. SIMPSON. Thank you. And I thank all the witnesses for coming here for the last 2 days. We had 85 witnesses who spent money and time to come out here and to testify. I was here most of the day yesterday. Unfortunately, we were all having conflicting hearings and so forth throughout the Congress, and so we wish we could have all been here at the same time.

But we have heard various accounts from various tribes from around the country who have very different points of view and perspectives but have a commonality of understanding that the Federal Government has a responsibility to meet our responsibilities to the tribes. And even if we do have difficult budgets to work with, we still have responsibilities we have to meet. And this is a relatively bipartisan committee, and we will do the best we can under the situation that we are in.

So with that, again, thank you for coming out. And this hearing is adjourned.

The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearings.

Jim Maddy, President and CEO
Association of Zoos and Aquariums
Testimony – House Subcommittee on Interior, Environment, and Related Agencies

Thank you Chairman Simpson and Ranking Member Moran for allowing me to submit written testimony on behalf of the nation's 212 U.S. accredited zoos and aquariums. Specifically, I want to express my support for the inclusion of $9,466,000 for the Multinational Species Conservation Funds (MSCF) operated by the U.S. Fish and Wildlife Service and $9.7 million for National Environmental Education Act programs at the Environmental Protection Agency (EPA) in the FY2014 Interior, Environment, and Related Agencies appropriations bill.

Founded in 1924, the Association of Zoos and Aquariums (AZA) is a nonprofit 501c(3) organization dedicated to the advancement of zoos and aquariums in the areas of conservation, education, science, and recreation. Accredited zoos and aquariums annually see more than 182 million visitors, collectively generate more than $16 billion in annual economic activity, and support more than 142,000 jobs across the country. Annually, AZA-accredited institutions spend $160,000,000 on more than 2,650 field conservation projects in 130 countries.

MSCF programs support public-private partnerships that conserve wild tigers, elephants, rhinos, great apes, and marine turtles in their native habitats. Through the MSCF programs, the United States supplements the efforts of developing countries that are struggling to balance the needs of their human populations and endemic wildlife. MSCF programs help to sustain wildlife populations, address threats such as illegal poaching, reduce human-wildlife conflict, and protect essential habitat. By working with local communities, they also improve people's livelihoods, contribute to local and regional stability, and support U.S. security interests in impoverished regions. This federal program benefits AZA-accredited zoos and aquariums in their field conservation efforts and partnerships with the U.S. Fish and Wildlife Service.

I also encourage you to continue to support the valuable environmental education initiatives at the EPA. Education programs at AZA-accredited institutions provide essential learning opportunities, particularly about science, for schoolchildren in formal and informal settings. Studies have shown that American schoolchildren are lagging behind their international peers in certain subjects including science and math. In the last 10 years, accredited zoos and aquariums formally trained more than 400,000 teachers, supporting science curricula with effective teaching materials and hands-on opportunities. School field trips annually connect more than 12,000,000 students with the natural world. Increasing access to formal and informal science education opportunities has never been more important.

Finally, much of the important conservation work at accredited zoos and aquariums depends on a robust and fully staffed U.S. Fish and Wildlife Service. While I am aware of the budget challenges facing Congress and the agencies, I encourage you to ensure that the U.S. Fish and Wildlife Service has sufficient resources to employ qualified professionals, particularly for the programs handling permits, which support the science-based conservation breeding and wildlife education programs that require animals to be moved in an efficient, timely manner:

International Affairs (Management Authority), Endangered Species, Law Enforcement, and Migratory Birds.

AZA-accredited zoos and aquariums are essential conservation and education partners at the federal, state, and local levels domestically as well as internationally. To ensure that accredited zoos and aquariums can continue to serve in these important roles, I urge you to include $9,466,000 for the Multinational Species Conservation Funds operated by the U.S. Fish and Wildlife Service and $9.7 million for National Environmental Education Act programs at the Environmental Protection Agency in the FY2014 Interior, Environment, and Related Agencies appropriations bill.

Thank you.

Statement of
HANK KASHDAN
Legislative Director - National Association of Forest Service Retirees
Recommendations to the Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2014 Budget for the United States Forest Service
April 12, 2013

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) respectfully submits the following statement for the record to the Subcommittee on Interior, Environment, and Related Agencies regarding the fiscal year (FY) 2014 budget for the United States Forest Service. I am Hank Kashdan, Legislative Director for NAFSR. I retired from the Forest Service in December, 2010 having served as Associate Chief immediately prior to retirement. Let me first express NAFSR's gratitude for this opportunity to provide recommendations to the Subcommittee as it considers the budget for the Forest Service. The NAFSR organization is a national, nonprofit organization of former Forest Service employees and associates. Members of the Association possess a unique body of knowledge, expertise and experience in the management of the National Forests, other public lands, forestry research, state and private forestry assistance, agency history, laws and regulations, and international forestry. Members of NAFSR are devoted to contributing to understanding and resolving natural resource issues through education, independent and cooperative analysis, and periodic review and critiques of agency policies and programs.

First, NAFSR would like to express its appreciation to the Subcommittee for its clear commitment to preserving the core multiple use programs of the Forest Service during continually more challenging deliberations on the federal budget. Despite these challenges we believe the enacted budgets for the Forest Service do reflect Congress's appreciation of the importance of the Forest Service mission in managing the America's precious natural resources. As the budgetary pressure further impacts discretionary funding, we are confident that with your support, the Forest Service will continue its ability to steward the nation's forests and grasslands and maintain a Forest and Rangeland Research program that is among the best in the world, and maintain a viable State and Private Forestry program that is essential to working with Tribal, State, and local partners.

Mr. Chairman, NAFSR would like to specifically note your personal attention and oversight of how the Department of Agriculture (USDA) has funded it's "off the top" programs, which until your attention, were continually facing increased assessments against Forest Service funds. We also appreciate the recent attention of your staff in addressing retiree concerns about the USDA "one logo" policy that would potentially have resulted in the elimination of the Forest Service shield.

Unlike in our past congressional statements, we will focus only minimally on specific funding levels. Rather, in appreciation of the reality that federal budgets will continue to be challenging, NAFSR will focus this testimony on issues that can "stretch" existing funds as far as possible and make use of available or proposed authorities that can improve efficiency. This statement will address the following issues:

1. Wildfire Suppression Funding
2. Stewardship Contracting Authority
3. Collaborative Restoration Efforts

WILDFIRE SUPPRESSION FUNDING

Unlike the previous three years, the calendar year 2012 wildfire season once again demonstrated the significant vulnerability of Forest Service programs to the impacts of funding transfers to pay for suppression. Coming on the heels of enactment of the Federal Land Assistance, Management, and Enhancement Act of 2009 (FLAME), the unfortunate result of three "below normal" fires seasons in calendar years 2009-2011, was that many who worked so hard to minimize fire funding transfer impacts, had difficulty keeping continued focus on how fire transfers can seriously affect agency programs, partnerships, and accomplishments. Although well-conceived we reluctantly acknowledge that FLAME has been completely ineffective in avoiding the impacts of fire transfers. Although Congress acted to "repay" $400 million of the $440 million transferred in 2012, the simple fact is that once again, agency programs were halted, delayed and cancelled at the time in the field season when most on-the-ground accomplishment is achieved. This situation once again reminds NAFSR of the challenges employees and external partners face in being confident that the Forest Service will actually have the capability to accomplish its program of work under the present circumstances. Although NAFSR, as part of a broad spectrum of interested parties continues to support the FLAME Act, we realize that the core provision that allows the carryover and retention of prior year unobligated balances is simply unrealistic in today's budgetary environment.

The wildfire suppression funding authority and transfer process simply MUST be changed! A review of the President's Budget clearly shows how the current process of funding wildfire suppression is affecting other agency programs. Clearly the increasingly costly10-year average budgeting process has had a significant effect on maintaining a viable hazardous fuels program (reduced a staggering $115.8 million in the President's Budget), which is one of the key programs for reducing suppression costs over the long term. With agency operating budgets likely to continue a gradual decline and wildfire suppression expenditures continuing to increase, the resulting impacts of funding transfers will only continue to increase. We suggest the Subcommittee work closely with authorizing committees to address this issue. We make two immediate recommendations, neither of which is mutually exclusive.

1. Implement a "FEMA Funding Process" – The Federal Emergency Management Agency (FEMA) is routinely funded to respond to declared emergencies using a Disaster Relief Fund. Although FEMA prepares estimated emergency response funding needs, in fiscal years where these estimates are exceeded, the process for the Administration to request additional funds, and Congress enacting such funding with an emergency designation, is generally accomplished with minimal controversy. Strong consideration should be given to including wildfire suppression emergencies within the Disaster Relief Funding process for both the Forest Service and the United States Department of the Interior (DOI). NAFSR recognizes that this effort would involve close coordination with authorizing committees, and enactment of this authority would likely be at the discretion of such committees. In light of this, NAFSR recommends the Subcommittee consider the following recommendation as a short term interim measure.

2. Enact a Transfer Authority Similar to DOI – Although the wildfire suppression transfer authorities available to both the Forest Service and DOI are similar, there is a key difference that results in the impacts of such transfers being far greater in the case of the Forest Service. Simply put, appropriations language provides DOI with the authority to transfer funds "available to the Secretary," while the Forest Service is authorized to only transfer funds "available to the Forest Service." We note that approximately eight years ago, your Subcommittee marked-up changed language which provided that wildfire suppression funds may be transferred from "funds available to the Secretary [Agriculture]." This language did not successfully survive a House floor vote, and at the time, the most vociferous objections came from USDA. We understand that this wording change did get considered by USDA recently as one of several potential options. We urge the Subcommittee to once again consider including this change in Appropriations language as at least an interim measure until a "FEMA type" approach can be accomplished.

With potential funding for the Forest Service continuing to be challenging, the single most potentially damaging vulnerability to on-the-ground accomplishment, is the process of paying for wildfire suppression. We encourage your Subcommittee to consider our recommendations for addressing this issue. We realize there are other actions that could be considered, such as funding FLAME as a mandatory program. Our members have sound expertise in this area, and are ready to assist in any way possible in evaluating any option.

STEWARDSHIP CONTRACTING AUTHORITY

Mr. Chairman, NAFSR deeply appreciates your continued support for the agency's use of Stewardship contracting authority. We further recognize the existence of House rules that make an extension of this authority difficult within the appropriations process. NAFSR is part of an "across the board" coalition of parties working hard to make this authority permanent. Although there are several opportunities for permanent authority, if not only an extension, from "standalone bills" to inclusion in potential legislation such as the Farm Bill, we continually see these opportunities getting delayed just short of the finish line. Meanwhile the authority to execute Stewardship contracts will expire on September 30. We are hopeful that should the opportunity arise for the Subcommittee to support continued use of this authority, that you will actively be a champion for this incredibly valuable and efficient tool.

As part of the dialog on future Stewardship contracting authority, multiple issues are raised, that on the surface could be viewed as a "show stopper" for continued use. These include advocacy for payments to counties of receipts not generated as a result of use of this tool, contractor liability, budget scoring, etc. We are confident that these issues can all be successfully resolved as part of ongoing deliberations about future enhancements to stewardship contracting authority. For now, the clear core issue is taking any action necessary to make the existing authority permanent or least extended. In this environment of declining budgets, stewardship contracting authority is an efficient tool available to the agency to increase restoration accomplishment and leverage the willingness of partners to provide support, whether through funding or in-kind contribution to achieve restoration objectives.

COLLABORATIVE RESTORATION EFFORTS

With significant funding reductions proposed in the Forest Service 2014 budget for key programs the loss of any authority to accomplish on-the-ground work has major impacts. There are currently multiple authorities either available now or being considered that can stretch the "federal dollar" further in accomplishing on the ground work. In addition to stewardship contracting authority discussed above, other examples include:

Collaborative Landscape Restoration Fund: NAFSR urges full funding support for this effort. We believe this program is a model of collaboration that efficiently leverages limited federal funds with non-federal and private resources; encourages utilization of forest restoration by-products to benefit local rural economies and improve forest health; facilitates the reduction of wildfire management costs, including reducing the risk of large wildfire; and demonstrates the degree to which various ecological restoration techniques achieve forest and watershed health objectives. This program is already demonstrating improved on-the-ground performance through work with partners at all levels.

Streamlined Analysis and Appeals: In July 2012, NAFSR provided testimony that lent qualified support to H.R. 6089, Healthy Forest Management Act, which is currently being considered. NAFSR was highly supportive of some provisions in this bill which included:

- Making the Good Neighbor Authority permanent
- Expanding the use of categorical exclusions
- Applying analysis, appeals, and judicial review procedures found in the Healthy Forest Restoration Act of 2003 to all hazardous fuels reduction projects.

In the future, should the Subcommittee have the opportunity to include and/or expand such authorities as part of the appropriations process, we are hopeful this can be accomplished. With budget challenges clearly facing the agency for years to come, any effort to reduce process and increase environmental analysis and appeals efficiency will be critically needed.

We also note the President's Budget proposes a $15.1 million reduction in Landownership Management. This line item an essential aspect of collaborative relationships as it enables the Forest Service to be good neighbors, especially to intermingled land owners and communities. We encourage the Subcommittee to fund this line item at no less that the FY2013 level.

CONCLUSION

This concludes our written statement for the record. NAFSR members have extensive knowledge of many programs not addressed in this statement. We are ready to assist at any time. We again thank the Subcommittee for its support of the Forest Service multiple use mission.

April 24, 2013

House Interior Appropriations Subcommittee

Dear Representatives:

The purpose of this letter is to express the Stillaguamish Tribe's serious concern with respect to language in the FY 2014 President' Budget proposing a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. AADAP is the nation's only program singularly committed to obtaining U.S. Food and Drug Administration approval of aquatic animal drugs needed by fisheries professionals, including government, tribal and private commercial operators. AADAP provides many key services to the USFWS and its partners, including the Northwest Indian Fisheries Commission and the twenty member treaty tribes(including Stillaguamish), by providing access to needed drugs and securing drug approvals to ensure safe and effective drugs are available to treat disease, aid spawning, and facilitate field research and fisheries management activities. We firmly believe any reduction in funding for AADAP would have a significant, negative impact on the ability of the USFWS to meet tribal trust responsibilities and for the tribes themselves to accomplish fish production and field management objectives. We request that the proposed cuts be reconsidered, and that the AADAP program receive $950,000 in base funding.

The Stillaguamish Tribe is one of the member tribes within the Puget Sound area, and the tribe runs a regionally recognized conservation hatchery program for protecting and restoring native summer Chinook that return to the Stillaguamish River. The tribe's program has helped to reduce the risk of extinction of this population from a low of 250 fish in the 1980's to its current population of over 1000 returning adults.

Access to therapeutic drugs and medications are critical to the success of our conservation hatchery program. We hold adult broodstock for up to 2 months before they are ready to spawn and having access to drugs and medications to keep them alive and to minimize the transmittal of diseases from parents to offspring is of paramount importance.

Large drug companies don't see enough economic profit in doing the required testing to get FDA approval for the aquatic use of many drugs and medications that are already currently available for use on livestock on the country's ranches and farms.

The U.S. Fish and Wildlife's AADAP program has been very effective at helping the Puget Sound member tribes access these drugs and medications through their research and testing efforts as well as INAD process.

The Stillaguamish Tribe is aware of the challenging budgets facing all agencies. However, the AADAP program's dedication to fisheries conservation, track record of success, and critical deliverables are recognized by public and private fisheries and aquaculture stakeholders and conservation authorities as unduplicated and unparalleled. Attempts at cost-savings that diminish this program also diminish needed federal leadership in this area and jeopardize the ability of the USFWS to deliver effective fisheries conservation and fulfill trust responsibilities. Further, the Stillaguamish Tribe and our fellow member treaty tribes continue to rely on AADAP to help us meet critical fisheries management needs. We strongly encourage you to fund AADAP at $950,000 in base funding, a level we believe is essential to maintaining the performance and capacity of this program. We thank you in advance for your consideration of our view.

Sincerely,

Kip Killebrew
Fisheries Biologist
Stillaguamish Tribe
P.O. Box 277
Arlington, WA. 98223
360-435-8770

April 12, 2013

The Honorable Mike Simpson
United States House of Representatives
Washington, DC 20515

The Honorable James Moran
United States House of Representatives
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

The American Forest & Paper Association (AF&PA) is the national trade association of the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. Our companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 5 percent of the total U.S. manufacturing GDP. Industry companies produce about $190 billion in products annually and employ nearly 900,000 men and women, exceeding employment levels in the automotive, chemicals, and plastics industries. The industry meets a payroll of approximately $50 billion annually and is among the top 10 manufacturing sector employers in 47 states.

Actions are needed to restore federal timber harvests to help ensure adequate fiber supply and address forest health priorities on both federal and private lands. Within the jurisdiction of this Committee, we urge you to direct the United States Forest Service (USFS) to help sustain the forest products industry and the vital jobs it supports. Specific recommendations follow.

Forest and Rangeland Research

Forest Inventory and Analysis - Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. The Forest Inventory and Analysis (FIA) program within USFS Research and Development (R&D) is the backbone of our knowledge about the nation's forests, and is a vital technical resource that allows assessment of the sustainability, health, and availability of the forest resource. FIA is utilized by a large swath of stakeholders interested in the state of America's forests: forest resource managers at mills, land managers, conservation groups, and State and Federal agencies all look to the program for data about our nation's forests. We are concerned by the cuts to this program over the recent years. With an increased focus on utilizing woody biomass for renewable energy and other products, the program that allows managers to determine sustainability and availability

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of the forest resource should not be reduced, but rather increased. We oppose cuts to this valuable program, and applaud the Subcommittee's increase to $72 million last year.

AF&PA requests funding levels of at least $72 million for the FIA program, which would allow the USFS to cover the majority of U.S. forest lands, expedite data availability and analysis, and support our growing data needs in the areas of bioenergy and climate mitigation.

We also recommend increased funding within the USFS R&D program in support of the Agenda 2020 Technology Alliance. Working in partnership with universities and the private sector, USFS funding for the Agenda 2020 program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the United States. In particular, we encourage greater support for research on forest productivity and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

National Forest System, Forest Products
To create forest industry jobs, more federal timber should be made available for sale, **AF&PA requests restoring funding of the Forest Products program to at least $336 million** to put people back to work in our rural communities while improving the health and reducing the fire risk of forest ecosystems. The 15% reduction in timber sales from the National Forests as a result of the sequester will have a devastating effect on those communities dependant on Federal timber and must be restored.

National Forest System, Hazardous Fuels Reduction
Hazardous fuels reduction is essential to the federal forest health restoration effort and **AF&PA supports maintaining this vital program at the FY 2011 level ($339 million)**. We also urge the subcommittee to instruct the USFS to implement these projects in forested stands, using mechanical treatments that produce merchantable wood fiber for utilization by local mills. Prescribed burns and debris removal will not solve the hazardous fuel overload by themselves. The forest products industry can and does play a key role in reducing hazardous fuels from federal lands as evidenced by the

fact that mechanical hazardous fuel reduction costs are frequently significantly lower in regions with a substantial forest products industry presence. The agency must take advantage of these synergies.

State and Private Forestry
AF&PA applauds the Committee's sustained support for USFS State and Private Forestry programs. With ongoing droughts, invasive species infestations, and significant forest health problems, private forest resources remain vulnerable to damage from threats that do not respect public/private boundary lines.

As you know, private forests provide the bulk of the nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. USFS State and Private Forestry programs protect these resources from threats beyond the capability of small landowners to combat effectively. Therefore, **we urge funding at no less than their FY 2012 enacted levels of $86 million for State Fire Assistance, $112 million for Forest Health Management, and $29 million for Forest Stewardship.**

International Forestry
AF&PA's believes that full and effective implementation and enforcement of the 2008 Lacey Act amendments will reduce the destructive effects of illegal logging on tropical forests, enable American forest product companies to compete on a level playing field, and contribute to cutting of global greenhouse gas emissions through reduced deforestation and sustainable forest management practices. A 2004 AF&PA report on illegal logging found that up to 10 percent of global timber production could be of suspicious origin and that illegal logging depresses world prices for legally harvested wood by seven to 16 percent on average. The report also calculated that the economic cost of global illegal logging to the U.S. industry is approximately $1 billion per year in lost exports and depressed domestic prices.

The USFS International Forestry program lends critical technical assistance for Lacey Act implementation and to improve sustainable forest management practices in developing countries, which helps reduce illegal logging overseas. **AF&PA believes cuts to the International Forestry accounts could be detrimental to full Lacey Act compliance and enforcement efforts, and advocates funding the International Forestry program at FY 2012 levels ($8 million).**

Regards,

Elizabeth Bartheld
Vice President, Government Affairs

Written Statement of
Amy Fitterer, executive director, Dance/USA

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

The Importance of Funding for the National Endowment for the Arts (NEA)
April 25, 2013

Mr. Chairman and distinguished members of the subcommittee, Dance/USA is grateful for this opportunity to submit testimony on behalf of our members across the United States. **We urge the Committee to designate a total of $155 million to the National Endowment for the Arts (NEA) for FY 2014.** This testimony is intended to highlight the importance of the federal investment in the arts, so critical to sustaining a vibrant cultural community throughout the country.

Dance/USA, the national service organization for the professional dance field, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. By providing national leadership and services, Dance/USA enhances the infrastructure for dance creation and distribution, education, and dissemination of information. To fulfill its mission, Dance/USA offers a variety of services to the field that fall under the categories of leadership and learning (conferences and professional development), information and research, and advocacy and visibility, and works with organizations within and outside the arts field with whom common goals are shared. Dance/USA's membership currently consists of over 500 ballet, modern, ethnic, jazz, culturally specific, traditional and tap companies, dance service and presenting organizations, artist managers, individuals, and other organizations nationally and internationally. **Dance/USA's member companies range in size from operating budgets of under $100,000 to over $50 million.**

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, the arts were limited mostly to a few big cities. The NEA has helped to strengthen regional ballet, opera, theater and other artistic disciplines that Americans now enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The Endowment embodies the ideal that no one should be deprived of the opportunity to have art in their lives. The Arts

Endowment has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Despite diminished resources, including a budget that has decreased by almost $30 million since 2010, the NEA awards more than 1,000 grants annually to nonprofit arts organizations for projects that encourage artistic creativity and community accessibility. These grants help nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art, **reaching the residents of all 50 states and in every congressional district.**

NEA grants are instrumental in leveraging private funding. On average, each dollar from an NEA grant generates at least eight dollars from other sources. Government cultural funding plays a catalytic leadership role that is essential in generating private support for the arts.

The NEA is a great investment in the economic growth of every community.
The return of the federal government's small investment in the arts is striking. The nonprofit arts industry generates $135.2 billion annually in economic activity ($61.1 billion by the nation's nonprofit arts and culture organizations), supports 4.13 million full-time equivalent jobs, and returns $22.3 billion in revenue to local, state, and federal governments each year. Measured against collective arts allocations of $4 billion, that's a return of more than five to one. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of tremendous cutbacks in recent years, the NEA continues to be a beacon for arts organizations across the country.

The return on investment is not only found in dollar matches. The average city and county reports that nonprofit arts and culture organizations had 5,215 volunteers who donated 201,719 hours. These volunteer hours have a value of approximately $4.5 million – a demonstration that citizens value the arts in their communities.

NEA Grants at Work
NEA grants are awarded to dance organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. In 2013, the NEA funded or has recommended funding 174 grants, totaling almost $4.1 million, to the dance discipline under the Art Works funding category. The following are some examples of the impact of NEA funding on dance programs from the NEA's 2013 Art Works Program:

AXIS Dance Company
Oakland, CA
$10,000
To support Dance Access and Dance/Access KIDS! Education and outreach programs. These activities will offer a variety of events for youth and adults with and without disabilities who are based locally and nationally.

Ballet Austin
Austin, TX
$10,000
To support the creation and presentation of Snow White, choreographed by Nelly van Bommel. The one-act ballet will be performed by Ballet Austin II dancers and will be van Bommel's third work for Ballet Austin.

Dance Theatre of Harlem
New York, NY
$30,000
To support a national tour of the Dance Theatre of Harlem professional company. In addition to performances, the company will offer educational activities such as lecture demonstrations, master classes, and movement workshops.

Jacob's Pillow
Becket, MA
$100,000
To support the presentation of artists representing diverse dance forms including Brazilian hip-hop, classical Indian dance, modern dance, and ballet, and the Creative Development Residency. Artists will include Wendy Whelan, Companhia Urbana de Danca, Shantala Shivelingappa, Dance Theatre of Harlem, and Tere O'Conner Dance, as well as two artists in the Creative Development Residency.

North Carolina Dance Theatre
Charlotte, NC
$10,000
To support the creation and world premiere of a new work by dancer and choreographer Jiri Bubenicek. Education and outreach programming will include presenting excerpts of Bubenicek's work in the Charlotte-Mecklenburg schools, as well as lecture-demonstrations that tie dance to core curriculum subjects.

STREB
$80,000
Brookly, NY
To support the audience development and access programs Public/Action New York and Public/Action on Tour, based on Extreme Action, a method of movement developed by choreographer Elizabeth Streb. Performances and classes for students will take place at Streb lab for Action Mechanics (SLAM), the company's home in Brooklyn.

Washington Ballet
$20,000
Washington, D.C.
To support the Washington Ballet's Community engagement Program. The company will offer low-cost dance training and free subsidized professional dance performances to Washington

residents at the Town Hall Education, Arts and Recreation Campus (THE ARC), located east of the Anacostia River.

The Non-Profit Professional Dance Community
America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of "regional" dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 states. Based on data from almost 300 nonprofit dance companies from across the United States, Dance/USA estimates that dance companies:

- Employed over 13,400 people in a mix of full-time and part-time positions;
- Paid approximately $334.9 million, or 53% of expenses, in wages and benefits;
- Earned 178.9 million, or 30% of their income, from performances;
- Received $319.2 million, or 49% of their income in contributions (including public support, corporate contributions, foundation support, and individual donations);
- Generated more than $631.7 million in economic activity across the United States.

Conclusion
Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties and found its budget further decreased by almost $30 million in the past two year, leaving its programs seriously underfunded. **We urge you to continue toward restoration and reinstate the NEA funding allocation to $155 million for FY14.**

On behalf of Dance/USA, thank you for considering this request.

Dance/USA
1111 16th Street, NW
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Washington, D.C. 20036
202.833.1717

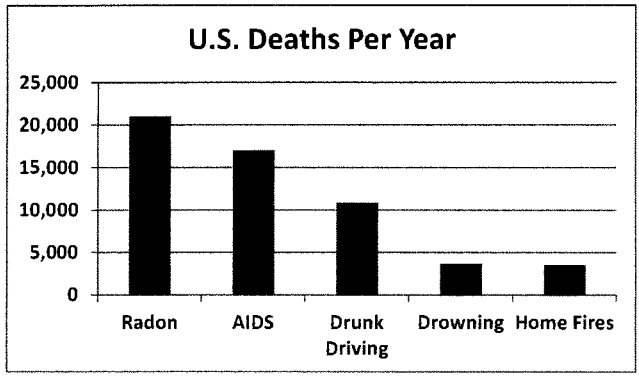
Testimony from: Dusty Donaldson, executive director & founder

Organization: Dusty Joy Foundation, a 501 (c)(3) public charity with a mission to promote lung cancer education, early detection and compassion for those impacted by lung cancer.

RE: EPA Radon Budget

Dear Subcommittee on Interior, Environment, and Related Agencies:

As a patient advocate, lung cancer survivor and founder of a 501c3 nonprofit organization dedicated to advancing lung cancer education, early detection and compassion for those impacted by this disease, I am writing to be a voice for those unable to speak. My testimony is on behalf of the more than 20,000 Americans who will die from radon-induced lung cancer this year. I was diagnosed with lung cancer seven years ago. Only 15 percent of lung cancer patients survive five years, so I believe I have a responsibility to speak out for those unable to speak. Thank you for your attention to this matter. My request is for increased EPA funding for radon programs.



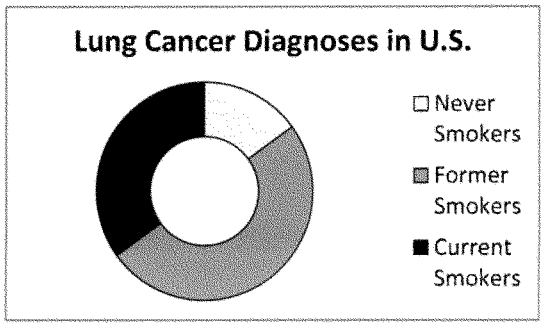
More than 20,000 Americans will die from radon-induced lung cancer this year. Radon kills more Americans each year than AIDS, drunk driving, drowning or home fires.[1] Approximately **17,000** Americans will die from AIDS this year;[2] **10,839** will die as a result of drunk driving;[3] **3,650** will drown this year;[4] and **3,500** will die in home fires.[5] These other risks are well known. But the American public knows little about the risks of radon.

[1] U.S. Environmental Protection Agency website www.epa.gov/radon/
[2] U.S. Department of Health & Human Services website: http://www.aids.gov/hiv-aids-basics/hiv-aids-101/overview/statistics/
[3] Centers for Disease Control website, http://www.cdc.gov/motorvehiclesafety/impaired_driving/impaired-drv_factsheet.html
[4] Factsheet on Centers for Disease Control website, www.cdc.gov/homeandrecreationalsafety/water-safety/waterinjuries-factsheet.html
[5] U.S. Fire Administration/FEMA website, www.usfa.fema.gov/citizens/home_fire_prev/

Lung cancer is the #1 cancer killer. It kills nearly twice as many women as breast cancer and three times as many men as prostate cancer. In fact, lung cancer kills more people than breast, prostate, colon and pancreatic cancers combined.

While lung cancer is the number one cancer killer, it is the least funded in terms of federal research dollars. One reason lung cancer research is underfunded is because of the stigma associated with this disease. Maybe it's subconscious; but people assume anyone with lung cancer brought it upon themselves, similar to the early days of AIDS.

Consider that approximately 79,000 U.S. **smokers** will be diagnosed with lung cancer this year. Yet, nearly twice that number—147,000—who are **former or never smokers** will also be told, "You have lung cancer."



Although the EPA estimates more than 20,000 lung cancer deaths are due to radon, considering that approximately 34,000 Americans **who never smoked** will be diagnosed with lung cancer this year, the number of radon-induced deaths could be even higher. Radon is the **number one cause of lung cancer in people who never smoked**. And for those with a history of smoking, radon exposure **greatly** increases their risk for developing lung cancer.

According to the American Cancer Society, each year approximately 3,400 Americans die from lung cancer caused by second-hand smoke. **Radon-induced lung cancer claims six times as many lives.** Across the county, restaurants, office buildings and schools have become smoke free. Although the air in these buildings may be smoke free**, radon in these buildings is killing 55 Americans each and every day.**

Many never smokers are battling lung cancer. Dorothy Blosser from Virginia's Shenandoah Valley was a Mennonite pastor's wife. After her diagnosis, her family discovered the radon level in the home was nearly 10 times the EPA's action level. Abby, a 15-year-old girl from Macon, Georgia, has been fighting Stage IV lung cancer since she was nine. And there's Taylor Bell, a former college athlete who interned for Senator Richard Burr. She was diagnosed with lung cancer at the age of 21. In Texas, there's Jerrold Dash, a former college football player who had a double lung transplant. Jerrold fights for every day he gets to spend with his wife and two daughters. I would love to tell you about David, Lila, Julie, Marian, Brittany, Kathryn, Beau, Melissa and many more.

The Dusty Joy Foundation supports the EPA's work of warning the public about radon. We also stand in solidarity with other nonprofit organizations, including CanSAR (Cancer Survivors Against Radon). One easy way to reduce lung cancer deaths is to fund radon awareness. While radon is a serious and potentially deadly problem, the test is inexpensive and easy. And, if there is a problem, fixing it is quick and less expensive than most home improvement projects.

Our nonprofit organization distributes free radon test kits to targeted residents in North Carolina, Indiana and Virginia, along with EPA radon awareness materials. If funds for radon programs are reduced, a message would be sent that radon awareness is unimportant...that more than 20,000 Americans do not matter. Our organization's good work would also be hindered. Please do not perpetuate the cruel and false assumption that people with lung cancer deserve it. In light of these facts, we actually request an *increase* in funding for the EPA's radon awareness program. Please do not leave this void in radon awareness. How will the American public know about these dangers without your commitment and financial support?

Thank you again for your time and attention to this life-saving issue.

Warm regards,

Dusty Donaldson
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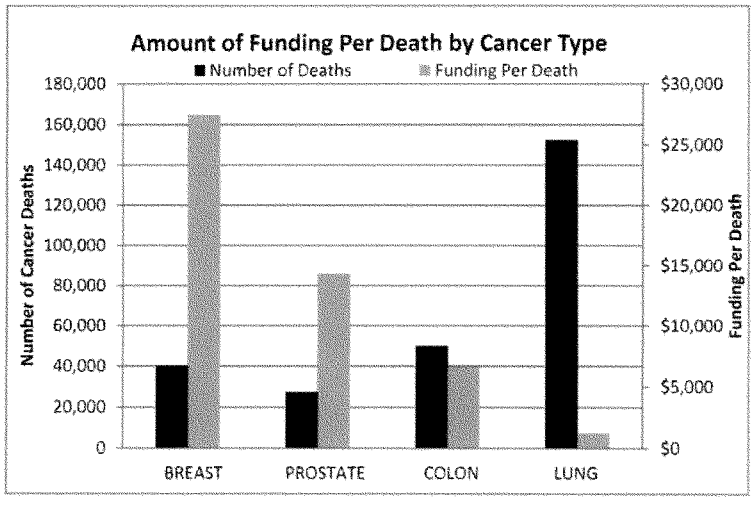
dusty@dustyjoy.org
www.dustyjoy.org



THE NATIONAL **OPERA** CENTER
AMERICA

Written Statement of
Marc Scorca, President and CEO, OPERA America

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

The Importance of Funding for the National Endowment for the Arts (NEA)
April 25, 2013

Mr. Chairman and distinguished members of the subcommittee, OPERA America is grateful for the opportunity to submit testimony on behalf of OPERA America, its Board of Directors and its 2,000 organizational and individual members. **We strongly urge the Committee designate a total of $155 million to the National Endowment for the Arts (NEA) for FY 2014.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts, so critical to sustaining a vibrant cultural community throughout the country.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. Seventy percent of the opera companies in existence today have been established since 1960. The growth of the field corresponds to the establishment and growth of the NEA. Over the last 20 years, a rich repertoire of American operas has been created by composers who communicate the American experience in contemporary musical and dramatic terms. The growth in number and quality of American operas corresponds directly to the investment of the NEA in the New American Works program of the former Opera-Music Theater Program.

Beyond the opera house, opera companies are finding new and exciting ways to bring the essence of opera to other local theaters and community centers, frequently with new and innovative works that reflect the diverse cultures of the cities they serve. Strong partnerships with local schools, too, extend the civic reach of opera companies as they introduce children to another multi-media art form and discover promising young talent.

The NEA is a great investment in the economic growth of every community
Despite diminished resources, including a budget that has decreased by almost $30 million since 2010, the NEA awards more than 1,000 grants annually to nonprofit arts organizations for projects that encourage artistic creativity and community accessibility. These grants help nurture the growth and artistic excellence of thousands of arts organizations and artists in

every corner of the country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art, **reaching the residents of all 50 states and in every congressional district.**

The Return of the federal government's small investment in the arts is striking. The nonprofit arts industry generates $135.2 billion annually in economic activity ($61.1 billion by the nation's nonprofit arts and culture organizations), supports 4.13 million full-time equivalent jobs, and returns $22.3 billion in revenue to local state, and federal governments each year. Measured against collective arts allocations of $4 billion, that's a return of more than five to one. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of tremendous cutbacks in the recent years, the NEA continues to be a beacon for arts organizations across the country.

The return on investments is not only found in dollar matches. The average city and county reports that nonprofit arts and culture organizations had 5,215 volunteers who donated 201,719 hours. These volunteer hours have a value of approximately $4.5 million – a demonstration that citizens value the arts in their communities.

NEA Grants at Work
Past NEA funding has directly supported projects in which arts organizations, artists, schools and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities; indeed, NEA funded projects cross all racial, geographic, and socioeconomic lines.

NEA grants are awarded to dance organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. In 2013, the NEA funded or has recommended funding 60 grants, totaling almost $2 million, to the opera discipline under the Art Works funding category.

The following are some examples of the impact of NEA funding on opera programs from the NEA's 2012 Art Works Program:

Atlanta Opera
$12,500
Atlanta, GA
To support the Studio Touring Production for Middle School Youth, a new educational initiative. For the first time, the organization will reach middle-school students with a program featuring the bilingual opera En Mis Palabras (In My Own Words), about the teenage immigrant experience.

Des Moines Metro Opera
$20,000
Indianola, IA

To support the OPERA Iowa Touring Educational Troupe reaching undeserved rural schools in the Midwest.

Minnesota Opera
$40,000
Minneapolis, MN
To support the world premiere of Douglas J. Cuomo and John Patrick Shanley's Doubt. Based on the Pulitzer Prize and Tony Award-winning play and Oscar-nominated motion picture, the production will be conducted by Christopher Franklin with stage direction by Kevin Newbury.

Opera Memphis
$15,000
Memphis, TN
To support 30 Days of Opera, a new opera festival. Activities will include concerts, educational workshops at community centers, pop-up opera on street corners and in parks, and back-stage tours of the costume and scenic shops at the opera house.

Palm Beach Opera
$15,000
West Palm Beach, FL
To support the training activities, mainstage productions, and community outreach of the Palm Beach Young Artist Program. The educational curriculum will include voice lessons, master classes, and movement classes, as well as performance opportunities in mainstage roles and in numerous outreach programs, including "One Opera in One Hour," Lunch & Learn," and "Concerts for the Classroom."

Santa Fe Opera
$60,000
Santa Fe, NM
To support a new production of Oscar, the co-commission and co-production with Opera Philadelphia based on the life and words of Oscar Wild, brought to the stage by the creative team of director Kevin Newbury, composer Theodore Morrison, with a libretto by Theodore Morrison and John Cox.

Virginia Opera
$22,500
Norfolk, VA
To support a new production of Andre Previn's *A Streetcar Named Desire*, to launch the "Made in America series, and based on the Pulitzer Prize-winning play by Tennessee Williams.

More than half of OPERA America's member companies were established after 1970 (corresponding to the establishment of the NEA) and over 40% were established since 1980, indicating the growth of opera throughout in the last forty years. In the 2010 and 2011 calendar

years, OPERA America's members were involved with 35 world premieres an. 369 new operatic works have been produced in North America since 2000.

Over 6.5 million people attended a live performance at one of OPERA America's company members during the 2010-2011 season, including educational and outreach programs, as well as festivals. During the same season, members of OPERA America presented 1,070 mainstage, festival, educational, and other productions. The collective expenses of members totaled $687 million; total government support amounted to $36 million, representing 5% of total operating income. This represents a return on investment of 19 to 1.

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties and found its budget further decreased by $22 million in the past two year, leaving its programs seriously underfunded. **We urge you to continue toward restoration and increase the NEA funding allocation to $155 million for FY13.**

On behalf of OPERA America, thank you for considering this request.

OPERA America
330 Seventh Avenue
New York, NY 10021

April 24, 2013

Claire Goad, President
Friends of Wertheim National Wildlife Refuge
PO Box 376
Brookhaven, NY 11719

Testimony
For the House Appropriations Subcommittee on Interior, Environment and Related Agencies
Concerning Fiscal Year 2013 Appropriations

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Wertheim and its 500 members, we would like to thank the committee for their strong support of the National Wildlife Refuge System and for giving us the opportunity to submit written testimony. Friends of Wertheim is a private, non-profit volunteer organization dedicated to the protection, management and appreciation of Wertheim National Wildlife Refuge and its environs. The National Wildlife Refuge System is comprised of 150 million acres of public lands spanning all states and territories to protect America's wildlife and wild places. In addition to protecting clean air and safe drinking water for communities nation-wide, The Refuge System attracts approximately 45 million visitors each year, offering activities such as wild-life watching, photography, hiking, canoeing, kayaking, fishing, hunting and environmental education. But most importantly, the Refuge System is an economic engine, returning, on average, $8 to local communities for every $1 appropriated by Congress. For these reasons, Friends of Wertheim asks that you fund the Refuge Operations and Maintenance for the NWRS at $499 million.

Long Island National Wildlife Refuge Complex

The Long Island Complex is comprised of 10 refuges totaling 6,500 acres. As you know we opened our new Visitor Center almost a year ago. Friends of Wertheim (FOW) is thrilled to be able to offer programs year round, instead of only in warm weather using our tents. Our membership is growing, we have approximately 100 new members since the Visitor Center opened, and more people are coming to Wertheim to see the exhibits, walk the trails and participate in the programs and activities that are offered. The Visitor Center has enabled us to have a Nature Store and fundraising activities. Because of this FOW was able to give the LI Refuge Complex $4,580 in 2012 to directly support refuge programs and activities. We also have more FOW volunteers helping with educational activities and programs and volunteering at the front desk and in our Nature Store.

The funding for the Refuge System Operations and Maintenance is as follows:
FY11 - $494 M
FY12 - $486 M

FY13 – President's Budget - $495 M, enacted will probably be $460 M
FY14 – Amount requested by USFWS - $486 M
FY14 - President's Budget - $499 M

As you can see the dollar amount for the Refuge System is going down instead of going up. This is having a devastating effect on the LI Refuge Complex. In the past when a new Visitor Center opened up, staffing for that Refuge increased by one permanent full time position (PFT). It didn't happen at Wertheim because of the cuts in the budget. The LI Refuge Complex has lost one staff person to retirement (office assistant) and the Maintenance Leader left for a position at another refuge. **(2)** In July, the Refuge will be losing a biologist who is moving to another Refuge in South Carolina. **(1)** We can't replace any of these positions due to a hiring freeze imposed by the sequestration. We currently have 2 term positions – one biologist and one for Visitor Services; their terms cannot be extended beyond this fiscal year due to sequestration cuts even though they still have 2 years left on their term from when they were hired. **(2)** Unfortunately, their positions will be cut; the Refuge can't fund these term positions any longer.

Last summer Wertheim offered summer camp for children 7 to 11 years of age for the first time. It was offered for 4 weeks from 9:00 to 12:00. It was a huge success. This year summer camp will be offered for 6 weeks and will be from 9:00 to 2:00. In addition to our term Visitor Services employee, an intern and Central Pine Barrens Commission employee; we will be adding a volunteer for each week this summer. Once again, the summer camp program will be in jeopardy if we lose the 2 term positions. And the community will miss it immensely because one week of camp is just $75.00; making it affordable for many families.

All of the above means that our staff will be down by **(5)** people while still managing the 10 refuges that are spread out the entire length and width of Long Island plus the Visitor Center. It means that our 10 million dollar Visitor Center will be run by one staff person. Sequestration is also affecting our large events – June 1st is the Central Pine Barrens Discovery Day, Tri-Hamlet Day and International Migratory Bird Day. Last year we had 805 visitors on the Refuge for this event. Due to sequestration we will only have 5 staff members working that day. Because our term visitor services person works on Saturday the Visitor Center is open that day. FOW was hoping to have it open on Sunday as well. Not only won't it be open on Sunday – it will probably be closed on Saturday once he leaves; again due to cuts to NWRS and sequestration.

This will certainly curtail what we can offer the public in terms of educational programs and activities. It will also affect the earnings from our Nature Store; which in turn will mean less $$ for educational programs and activities at the Refuge/Visitor Center. And this will have a ripple effect on the public and surrounding areas too; the $8 spent in the communities for every $1 appropriated by Congress for the Refuge System will go down drastically.

In Summary

The National Wildlife Refuge System and in particular the refuges on Long Island need your help. If sequestration happens it will be devastating to the Long Island Refuge Complex and to the entire National Wildlife Refuge System. We realize that the United States is going through difficult economic times and everyone should share in its recovery. However, the entire Refuge System has already experienced drastic cuts in the last few years which has reduced staffing and thereby reduced the ability to offer programs and activities to the public. It has always amazed the Friends of Wertheim how the Refuge System can do so much with so little. It happens because of the dedication of the staff at each and every refuge.

Friends of Wertheim National Wildlife Refuge asks that you support funding the National Wildlife Refuge System's Operations and Maintenance accounts at $499 million. Strong funding for such programs will not only continue to generate economic activity on Long Island, but will ensure America's wildlife heritage will be protected for generations to come.

After 9/11 one of our members went to Wertheim to spend some quiet time – and she wrote:
Sit on the shores of the Carmans River.
Walk along a woodland trail.
Listen to song birds.
Whatever you do, however long you do it for,
When you leave these magic refuges you are
Sure to be fresher, stronger and more
Optimistic than when you arrived.

Many of us who had family and friends downtown that day used the refuges on Long Island to help us heal. Please help us help our refuges... vote for the $499 million.

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., Governor

COLORADO RIVER BOARD OF CALIFORNIA
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
(818) 543-4685 FAX

April 19, 2013

Statement of
the
Colorado River Board of California

to the
House Committee on Appropriations
Subcommittee on Interior, Environment, and related Agencies

Presented by
Tanya M. Trujillo, Executive Director
April 19, 2013

Support for Fiscal Year 2014 Federal Funding
of $5.2 Million for the Department of the Interior - Bureau of Land Management (BLM)
to assist in the Colorado River Basin Salinity Control Program, with $1,500,000
to be designated specifically to identified salinity control efforts

This testimony is in support of Fiscal Year (FY) 2014 funding for the Department of the Interior's Bureau of Land Management (BLM) associated with the sub-activity that assists Title II of the Colorado River Basin Salinity Control Act of 1974 (P.L. 93-320). This long-standing successful and cost-effective salinity control program in the Colorado River Basin is being carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (P.L. 92-500).

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California participates along with the other six Colorado River Basin states through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts. In close cooperation with the U. S. Environmental Protection Agency (EPA) and pursuant to requirements of the Clean Water Act, the Forum is charged with reviewing the Colorado River water quality standards every three years. The Forum adopts a Plan of Implementation consistent with these water quality standards. The level of appropriation being supported in this testimony is consistent with the Forum's *2011 Plan of Implementation*. The Forum's *2011 Plan of Implementation* can be found on this website: http://www.coloradoriversalinity.org/docs/2011%20REVIEW-October.pdf. If adequate funds are

not appropriated, significant damages associated with increasing salinity concentrations of Colorado River water will become more widespread in the United States and Mexico.

The EPA has determined that more than sixty-percent of the salt load of the Colorado River comes from natural sources. Due to geological conditions, much of the lands that are controlled and managed by BLM are major contributors of salt to the Colorado River system. Past management practices have led to human-induced and accelerated erosion processes from which soil and rocks have been deposited in various stream beds or flood plains. As a result, salts are dissolved and enter the Colorado River system causing water quality problems downstream.

Through passage of the Colorado River Basin Salinity Control Act in 1974, Congress recognized that much of the salts in the Colorado River originate on federally-owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to efforts related to maintaining the quality of waters being delivered to Mexico pursuant to the 1944 Water Treaty. Title II of the Act deals with improving the quality of the water delivered to U.S. users. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to coordinate BLM efforts in the Colorado River Basin states to pursue salinity control studies and to implement specific salinity control practices. 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.

The BLM's Budget Justification Document for FY-2013 has stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (Reclamation) and the U.S. Department of Agriculture (USDA), and report salinity control measures in order to further the Plan of Implementation associated with the Federal Salinity Control Program in the Colorado River Basin. The BLM Budget, as proposed in the BLM Budget Justification Document, calls for six key performance goals within the BLM's Soil, Water, and Air Management Program. One of the goals is to reduce saline runoff from public lands into the Colorado River system by 10,000 to 20,000 tons of salt from new projects. Additionally, the BLM Budget Justification Document reported a cumulative salt-loading reduction from ongoing BLM efforts in 2011 that totaled 126,000 tons per year. The Soil, Water and Air Management Program sub-activity is responsible for reducing the discharge of salts to waters of the Colorado River Basin to ensure usable water supplies to tens of millions of downstream users of which nearly 20 million are located in Southern California.

Congress has charged federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by Reclamation through its Basin-wide Program and by the USDA through its on-farm Environmental Quality Incentives Program.

The 2012 Colorado River Basin Salinity Control Advisory Council report states that the funding from BLM's Soil, Water and Air Program has been generally expended on studies, research, and implementation. These studies and research have successfully identified several different tools which could be used to reduce salinity contributions to the Colorado River from publicly administered lands. BLM's efforts are now transitioning towards implementation of salinity control. During the past several years proposals for implementation of salinity control specific efforts have exceeded more than $1.5 million. The Advisory Council's 2012 report recommends that BLM make at least $1.5 million available annually for salinity-specific activities in addition to the $5.2 million expended under the Soil, Water and Air Program for general improvements within the Colorado River Basin. The Colorado River Board supports the Advisory Council's recommendation and urges the Subcommittee to specifically designate $1.5 million for the Colorado River Basin Salinity Control Program.

Over the twenty-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. Currently, the salinity concentration of Colorado River water causes about $376 million in quantifiable damages in the United States annually. Economic and hydrologic modeling by Reclamation indicates that the quantifiable damages could rise to more than $577 million by the year 2030 without the continuation of the Salinity Control Program. For example, damages can be incurred related to the following activities:

- A reduction in the yield of salt-sensitive crops and increased water use for leaching in the agricultural sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
- An increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector;
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling and reuse of the water due to groundwater quality deterioration;

- Increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

In addition, the federal government has made significant commitments to the Republic of Mexico and to the seven Colorado River Basin states with regard to the delivery of quality water pursuant to the 1944 Water Treaty. In order for those commitments to be honored, it is essential that in FY-2014, and in future fiscal years, that the Congress continue to provide adequate funds to BLM for its salinity control activities within the Colorado River Basin.

The Colorado River is, and will continue to be, a major and vital water resource to the nearly 20 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. The protection and improvement of Colorado River water quality through an effective salinity control program will avoid the additional economic damages to users in California and the other states that rely on Colorado River water resources.

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Testimony of the Humane Society of the United States, Humane Society Legislative Fund, and Doris Day Animal League on the FY 2014 Budget
April 16, 2013

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations. We urge the Subcommittee to address these priority issues in the FY 2014 Department of Interior appropriation.

Rock Creek Park Deer

The HSUS requests that funds made available in this Act give preference to non-lethal deer management programs and that the NPS be prohibited from using funds to conduct lethal deer management programs at Rock Creek Park. The National Park Service (NPS) recently decided to implement lethal methods for controlling the deer population in Rock Creek Park despite the availability of non-lethal methods that would have cost significantly less taxpayer money and resulted in a more effective long-term solution to human-wildlife conflicts in the park and its environs. In the future, we ask that priority be given to humane, non-lethal methods with respect to decisions regarding funding deer management programs.

Large Constrictor Snakes

The HSUS commends the U.S. Fish and Wildlife Service for listing four of nine species of large constrictor snakes as "injurious." We encourage this subcommittee to direct the USFWS to immediately move forward with the "injurious" listing of the five remaining species, which will prohibit importation and interstate movement of these animals as pets. A recent, comprehensive report by the U.S. Geological Survey showed these non-native snakes all pose a medium or high risk to ecosystems. Large constrictor snakes have been released or escaped into the environment and have colonized Everglades National Park and other portions of south Florida as well as Puerto Rico and scientists warn they may become established in other areas of the country. Releasing these animals to fend for themselves can also lead to an inhumane death from starvation, dehydration, being struck by cars, or exposure to bitterly cold temperatures. The Service must have the resources to respond quickly to prevent the spread and establishment of these snakes into new areas.

Environmental Protection Agency

Endocrine Disruptor Screening Program
Research focused on molecular screening has the potential to revolutionize toxicity testing improving both its efficiency as well as the quality of information available for human safety assessment in the Endocrine Disruptor Screening Program (EDSP). These "next generation tools" will speed up the assessments of chemicals in the EDSP and reduce, and ultimately, replace animal use. We urge the Committee to incorporate the following report language, which is also supported by the American Chemistry Council:

The Committee recognizes that EPA is implementing the use of ToxCast information in the prioritization of chemicals for screening in the Endocrine Disruptor Screening Program (EDSP). The

Committee supports this activity as part of a pathway-based approach to endocrine assessment, and directs EPA to maximize its efforts to develop adverse outcome pathways (AOPs) for endocrine modes of action and to utilize mechanistic information not only in prioritization, but also in hazard and risk assessment in place of tests involving living animals, if comparable and reasonably and practicably available. The committee also recognizes that EPA is continuing to extend existing long-term reproduction studies in birds, fish, and other species to two- or multi-generation tests for the EDSP. The Committee understands that EPA contributed to an international review of rat reproduction studies that showed the lack of utility of a second generation and supporting replacement of the two-generation mammalian study with a more efficient "extended one-generation" design. The Committee directs EPA to maximize the efficiency of each EDSP protocol and minimize unnecessary costs and animal use by assessing the utility (including sensitivity, specificity and value of information added relative to the assessment of endocrine disruption) of each endpoint in the study, including specifically the need to produce more than one generation of offspring in the bird, fish and amphibian EDSP Tier 2 tests and issue a public report on its findings for comment. The Committee also directs EPA to determine what information the Agency requires to assess and manage potential risks to human health and the environment in regards to endocrine disruption, to minimize or to eliminate unnecessary endocrine screening and testing, and to use existing scientific data in lieu of requiring new data, when possible. The Committee understands that EPA is currently working with OECD to develop and modify EDSP methods. EPA should work within the framework and timing of the OECD Test Guideline work plan to minimize duplicative efforts.

Science and Technology Account—21st Century Toxicology
In 2007, the National Research Council published its report titled "Toxicity Testing in the 21st Century: A Vision and a Strategy." This report catalyzed collaborative efforts across the research community to focus on developing new, advanced molecular screening methods for use in assessing potential adverse health effects of environmental agents. It is widely recognized that the rapid emergence of omics technologies and other advanced technologies offers great promise to transform toxicology from a discipline largely based on observational outcomes from animal tests as the basis for safety determinations to a discipline that uses knowledge of biological pathways and molecular modes of action to predict hazards and potential risks. We urge the Committee to incorporate the following language:

The Committee supports EPA's leadership role in the creation of a new paradigm for chemical risk assessment based on the incorporation of advanced molecular biological and computational methods in lieu of animal toxicity tests. The Committee encourages EPA to continue to expand its extramural and intramural support for the use of human biology-based experimental and computational approaches in health research to further define toxicity and disease pathways and develop tools for their integration into evaluation strategies. Extramural and intramural funding should be made available for research and development of human biology-based and Tox21-related methods and prediction tools, including pilot studies of pathway-based risk assessments. The data sets and prediction model structures generated should be transparent, publicly disseminated, and to assure readiness and utility for regulatory purposes, undergo public review and comment and independent scientific peer review to establish relevance and reliability. The Committee requests EPA provide a report on associated funding in FY 2014 for such activity and a progress report in the congressional justification request, featuring a 5-year plan for projected budgets for the development of mechanism-based methods, including Tox21 activities and prediction models and activities specifically focused on establishing scientific confidence in them for regulatory purposes. The Committee also requests EPA prioritize an additional (1-3%) of its Science and Technology budget from within existing funds for such activity.

Multinational Species Conservation Fund

The Administration's FY14 budget requests $9.98 million for the Multinational Species Conservation Fund (MSCF) program which funds African and Asian elephants, rhinos, tigers, great apes like chimps and gorillas, and sea turtles. The HSUS joins a broad coalition of organizations in support of the Administration's request while ensuring that the sales from the semi-postal stamps benefiting this program remain supplementary to annually appropriated levels. We also request $13 million for the Wildlife Without Borders and International Wildlife Trade programs within the USFWS Office of International Affairs.

While we wholeheartedly support continued funding for the MSCF, we are concerned about past incidents and oppose any future use of funds from these *conservation* programs to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MSCF must be consistent with the spirit of the law.

Protection for Walruses

We urge this subcommittee to appropriate the necessary funds in FY14 to permit the listing of the Pacific walrus, which has been placed on the candidate list for threatened or endangered status under the Endangered Species Act. The USFWS recently found that listing the Pacific walrus was warranted, due primarily to threats the species faces from loss of sea ice in its arctic habitat as a result of climate change. Walruses are targeted by native hunters for subsistence; hundreds are killed annually, with this number climbing to as many as 7,000 in some years. In some hunting villages, females and their calves are preferentially killed, against the recommendation of the USFWS and standard management practice. By waiting to list the Pacific walrus, the species' likelihood of survival is in doubt. We encourage this subcommittee to direct the USFWS to prioritize the Pacific walrus listing by immediately moving forward with the listing process.

Bureau of Land Management - Wild Horse and Burro Program

The Humane Society of the United States (The HSUS) is one of the leading advocates for the protection and welfare of wild horses and burros in the U.S. with a long history of working collaboratively with the Bureau of Land Management (BLM) – the agency mandated to protect America's wild horses and burros on the development of effective and humane management techniques. Wild free-roaming horses and burros deserve first to be given every chance to live out their lives wild and free, as the American public has clearly mandated and Congress has stated. When intervention is required, we owe them our best efforts to ensure that any human actions that affect their lives – such as gathers, transportation, confinement, and adoption – are done in a way to assure their humane treatment.

Therefore, The HSUS strongly supports a significant reduction in the number of wild horses and burros gathered and removed from our rangelands annually. We believe removing horses from the range without implementing any active program for suppressing the population growth rate is

unsustainable, and simply leads to a continual cycle of roundups and removals when more long-term, cost-efficient and humane management strategies, such as fertility control, are readily available.

For years, the BLM has removed far more wild horses and burros from the range than it could possibly expect to adopt annually, and as a consequence, the costs associated with caring for these animals off the range have continued to skyrocket. For instance, between 2001 and 2007, the BLM removed approximately 74,000 (an average of about10,600 animals per year) from the range, but could only place 3,000 horses a year, with the rest forced into holding facilities. The annual costs associated with caring for one wild horse in a long term holding facility is approximately $500, and the average lifespan of a wild horse in captivity is 30 years. Today, there are more than 50,000 wild horses and burros in these pens. In the most recently completed fiscal year (2012), holding costs accounted for $43 million (or 59 percent) out of a total wild horse and burro budget of $74.9 million.

In the spring of 2011, we were encouraged by the BLM's announcement regarding the agency's intent to open "a new chapter in the management of wild horses, burros, and our public lands" by fast-tracking "fundamental reforms" to its current policies and procedures. Specifically, the agency announced that it would strengthen its commitment to the use of fertility control by significantly increasing the number of mares treated with fertility control – from 500 in 2009, to a target of 2,000 in each of the next two years. This represents a huge step in the right direction.

The idea of using fertility control to efficiently manage wild horses and burros on the range is nothing new, and one that we have been actively supporting and involved with for several decades. As early as 1982, the National Academy of Sciences (NAS) called on the BLM to use immunocontraception to manage wild horse and burro populations, finding it an effective technology and part of a proactive management strategy. And in its 1990 report on the BLM's wild horse management program, the U.S. Government Accountability Office (GAO) found that keeping excess animals in long-term holding was costly and recommended that BLM examine alternatives, such as treating animals with reproductive controls and releasing them back to the range. [1]Further, a 2008 paper determined that contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving $6.1 million per year. [2]Finally, the results of an economic model commissioned by The HSUS indicates that by treating wild horses and burros with the fertility control vaccine Porcine Zona Pellucida (PZP), the BLM could save approximately $204 million dollars over 12 years while achieving and maintaining Appropriate Management Levels (AML) on wild horse Herd Management Areas (HMA) in the U.S.

However, at the conclusion of FY 2012, we were seriously disappointed when we learned that the BLM only treated and released 881 mares in FY 2012 which means that BLM fell short of achieving its own management goals by more than 50% (see table Completed FY 2012 Gathers under the heading Number of Mares Treated with Fertility Control: http://www.blm.gov/wo/st/en/prog/whbprogram/herd_management/Data/completed_fy_12_gathers.html).

Moreover, in its budget justification for FY 2013, BLM provides no explanation for why it failed to meet its own management objectives for FY 2012. In fact, for FY 2013, specific goals for

reducing population growth rates on the range are conspicuously absent – there's no mention of the agency's proposed strategy of treating and releasing 2,000 mares in FY 2012 and FY 2013(see page 64 under the section titled Strategy for Managing Wild Horse and Burro Populations, Reducing Population Growth http://www.doi.gov/budget/appropriations/2013/upload/FY2013_BLM_Greenbook.pdf).

This was a key component of the Proposed Strategy that the BLM finalized in March 2011, which was supposed to put the Wild Horse & Burro Program on a sustainable track and the agency has provide no justification whatsoever for its failure to meet its own management objectives. (see Page 4 of the BLM's Caring for America's Wild Horses and Burros: http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs/wild_horse_and_burro/documents.Par.32058.File.dat/WHB_Fundamental_022411.pdf

There are already over 50,000 wild horses and burros living in government holding facilities today — that's almost twice the number of wild horses and burros living on our public lands, and as a result, the cost of caring for these animals off the range could more than double in a just a few years.

The BLM must balance the number of animals removed from the range annually with the number of animals it can expect to adopt in a given year if it hopes to effectively reduce off-the-range management costs. For these reasons, we strongly support the BLM's request for a 2 million dollar budget increase to fund new research on contraception and population growth suppression methods. Developing additional methods to reduce wild horse population growth will allow the agency to maintain healthy herds while reducing the need for costly removal regimes that will further flood government holding facilities with additional animals..

Again, we commend the Secretary and the BLM for taking critical steps towards a more sustainable wild horse management program and believe the Subcommittee's guidance and support for humane and sustainable management will further the implementation of a program that will be of great benefit not only to our nation's beloved wild horse populations, but also to the American taxpayer.

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[1]GAO, *Rangeland Management: Improvements Needed in Federal Wild Horse Program*, GAO/RCED-90-110 (Washington D.C.: Aug. 20, 1990).

[2] Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811-2819.

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Testimony
Before the House Subcommittee on Interior, Environment, and Related Agencies
On Issues Relating to the Refuge System
Concerning Fiscal Year 2014 Appropriations
April 24, 2013

Mr. Chairman and Members of the Subcommittee,
On behalf of the 163 members of the Friends of the Tampa Bay National Wildlife Refuges, including Egmont Key National Wildlife Refuge (NWR), Passage Key NWR, and Pinellas NWR, I would like to thank you for your commitment to the National Wildlife Refuge System (NWRS). We realize that in this time of budget cuts, it may be difficult to justify increasing the NWRS funding, but once the Refuges start to decline it will cost many times more than these small increases to return them to a condition that will fulfill their mandates. We respectfully request that you consider the following in your appropriations:

- **Fund the National Wildlife Refuge System $499 million in FY 2014.**
- **Fund the Land and Water Conservation Fund (LWCF) at $900 million for FY14, including a minimal commitment of $300 million for the National Wildlife Refuge System.**

The Cooperative Alliance for Refuge Enhancement (CARE) estimates that the NWRS needs a budget of at least $900 million annually in operation and maintenance funding in order to properly administer its 150 million acres as mandated in the Refuge Improvement Act. The current budget is far short of the amount actually required to effectively operate and maintain the Refuges. In this time of tightening budgets, we respectfully request that you increase the NWRS budget to $499 million so that the Refuges do not backslide even further in protecting these valuable lands and ecosystems.

The Land and Water Conservation Fund was created in 1965 and authorized at $900 million. We ask that you fund the LWCF at $900 million for FY14 with a minimal commitment of $300 million to the National Wildlife Refuge System. These funds are used for land acquisition as well as less expensive easements or leases to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones changes. These landscape level conservation efforts through conservation easements and land

purchases are the best way to protect the diversity of flora and fauna. The price of real estate is low at this time and the $900 million can go much further in protecting habitats than it can in a higher market. When we start to lose species due to lack of food, water, shelter, or space, we are changing the balance of nature. We urge you to fund the LWCF at $900 million for FY14. The LWCF is not funded by taxpayer money.

The Tampa Bay Refuges are located at the mouth of Tampa Bay on the west central Gulf coast of Florida. The budget increases a few years ago meant increased management, protection, and restoration of the Refuges and the ability to better meet the Comprehensive Conservation Plan (CCP) goals. The wildlife on the refuges has done well with the extra help. Due to those past increases in budget and personnel the TBRs were able to plan for big picture issues such as erosion and increased public use. Unfortunately, due to the sequestration and budget cuts, much of that planning will not be implemented.

The recent budget decrease and sequestration has hurt our refuges.

- The refuge law enforcement (LE) officers will not be able to patrol Egmont Key as often during the key summer nesting season due to restrictions in travel and overtime in a shrinking budget. This leaves the nesting birds open to more intrusions by refuge visitors and nesting failures.
- It is very difficult to purchase equipment for the LE for emergency response and public safety due to budget cuts.
- If a staff member leaves, he/she may not be replaced so the refuge can stay afloat financially for the rest of this fiscal year because of the sequestration. We have already lost a maintenance position to keep the equipment, including the boats used to access the island refuges, in good working order.
- The refuge was able to eradicate exotic plants and predators on the refuges, but with budget decreases and sequestration, there is little or no money to monitor and keep up with the work that has already been done. The result will be degraded habitat for the refuges and their wildlife, including nesting failures.
- Fire management budgets have been cut and prescribed fires have not been conducted Egmont Key as needed. This opens the island, its historic buildings, & visitor center up to a much higher catastrophic wildfire risk.
- Simple things like purchasing a GPS for the boat to safely exit a channel cannot be purchased. The longer, safer route, if you don't have a GPS, reduces the amount of time staff can dedicate to refuge management since there is no overtime. Other things such as the contract for dry storage for the refuge boat, which includes launching so the boat is ready when staff arrives, is also being cut. This too wastes trained staff's valuable time to tow, launch, and ready a boat before getting to the actual tasks that matter to the refuge.

- The Ft Dade Guardhouse on Egmont Key NWR has been restored and will become the visitor center. The Refuge has grant money to fund the first phase of the displays, but with the sequestration and budget cuts staff may not have time to oversee construction of the center displays or to keep the center open to the public.

This is just a few of the things impacting the Tampa Bay Refuges. Bottom line, funding cuts hurt the wildlife that the NWRS is mandated to protect. The refuge system has a very small budget compared to the whole Federal Budget. It is not a big impact to the federal budget to give the refuges a little more funding whereas the impact of reduced funding is devastating.
Please consider funding $499 million for the FY14 Operations and Management budget.

The Friends of the Tampa Bay National Wildlife Refuges (FTBNWR) was incorporated and became a 501c3 in 2008 to better assist the Tampa Bay National Wildlife Refuges with volunteers and fundraising. In 2012 FTBNWR was able to provide over 2000 volunteer hours to assist the refuge staff with exotic invasive control, refuge cleanups, and education. FTBNWR has been able to raise funds to remove invasive animals on the Pinellas Refuges that prevented birds from nesting and ate the eggs laid by the Terrapin turtles that reside there. The Friends also started an Education Program to provide outdoor environmental educational programs at our local schools for grades K-5 and also environmental field trips to nearby preserves to teach our 4th & 5th graders about the NWRS and the environment. Volunteers act as bird stewards on Egmont Key NWR during the summer nesting season to enhance the visitors experience on the refuge through education. Our refuges do not have enough staff to provide these education programs so we have filled that gap as volunteers. Our volunteers are passionate about the Refuge System and donate their time, money, and expertise to protect them.
The Friends of the Tampa Bay National Wildlife Refuges is one of over 230 Friends groups who support the National Wildlife Refuges. The interest in our National Wildlife Refuge System is significant and we are proving it with our donated time and funds.

In conclusion, the Friends of the Tampa Bay National Wildlife Refuges believe the National Wildlife Refuge System can meet its conservation objectives only with strong and consistent funding leveraged by the work of refuge staff and volunteers. We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System. **We encourage you to approve a $499 million for the FY14 National Wildlife Refuge System Operations and Maintenance budget managed by FWS and to approve $900 million for FY14 for the LWCF land acquisition budget as well as a dedicated $300 for Fish & Wildlife.**

Respectfully,
Barbara Howard, President
Friends of the Tampa Bay National Wildlife Refuges

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OUTSIDE WITNESS TESTIMONY
FY 2014 APPROPRIATION

TO: **House Committee on Appropriations – Subcommittee on Interior, Environment, and Related Agencies**

SUBJECT: **Continued Funding for the Colorado River Basin Salinity Control Program under BLM's Soil, Water and Air Program**

FROM: **Don A. Barnett, Executive Director**
Colorado River Basin Salinity Control Forum

DATE: **April 5, 2013**

Waters from the Colorado River are used by nearly 40 million people for municipal and industrial purposes and used to irrigate approximately 4 million acres in the United States. Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. The U.S. Bureau of Reclamation (Reclamation) has estimated the current *quantifiable* damages at about $376 million per year. Congress authorized the Colorado River Basin Salinity Control Program (Program) in 1974 to offset increased damages caused by continued development and use of the waters of the Colorado River. Modeling by Reclamation indicates that the *quantifiable* damages would rise to approximately $577 million by the year 2030 without continuation of the Program. Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the **Bureau of Land Management** (BLM). BLM funds these efforts through its **Soil, Water and Air Program**. BLM's efforts are an essential part of the overall effort. A funding level of $5.2 million for general water quality improvement efforts within the Colorado River Basin and an additional **$1.5 million** for salinity specific projects in 2014 is requested to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. In implementing the Colorado River Basin Salinity Control Act in 1974,

Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to users in the United States. This testimony deals specific with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control studies and to implement specific salinity control practices. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Concentration of salt in the Colorado River causes approximately $376 million in quantified damages and significantly more in unquantified damages in the United States and results in poor water quality for United States users. Damages occur from:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

The Colorado River Basin Salinity Control Forum (Forum) is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum is charged with reviewing the Colorado River's water quality standards for salinity every three years. In so doing, it adopts a Plan of Implementation consistent with these standards. The level of appropriation requested in this testimony is in keeping with the adopted Plan of

Implementation. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

In summary, implementation of salinity control practices through BLM has proven to be a cost effective method of controlling the salinity of the Colorado River and is an essential component to the overall Colorado River Basin Salinity Control Program. Continuation of adequate funding levels for salinity within the Soil, Water and Air Program will assist in preventing the water quality of the Colorado River from further degradation and significant increases in economic damages to municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved drinking water quality to nearly 40 million Americans.

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
April 25, 2012
Native American and Alaska Natives Issues Hearing
Testimony by Rick Harrison, Chickaloon Traditional Village Council, and Alaska Representative for the Tribal/Interior Budget Council

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Chairman Simpson and Members of the Subcommittee, I am grateful for the opportunity to submit the following testimony for the record. My name is Rick Harrison and I am Vice Chairman of the Chickaloon Traditional Village Council and a representative for Alaska for the Tribal/Interior Budget Council (TIBC).

Changes to Proposed Contract Support Costs
In its FY2014 budget request, the Administration unilaterally proposed to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of contract support costs. Contract support costs funding is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements. We request that overall statutory caps on contract support costs be eliminated, and instead maintaining the status quo statutory language enacted in FY2013.

At a minimum, no change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service, the Bureau of Indian Affairs (BIA), and tribal leaders, informed by a joint technical working group and coordinated through NCAI. Such a consultation process must be scheduled to permit opportunity for full tribal participation to fully honor the trust relationship inherent in the government to government relationship Tribes have with the United States Government.

Sequestration
Although I am submitting testimony on FY2014, I must comment on the FY2013 sequestration of discretionary programs. The tribal leaders of the Tribal Interior Budget Council and NCAI passed unanimous resolutions that trust and treaty obligations to tribes should not be subject to sequestration. The sequester reductions to tribal programs undermine Indian treaty rights and obligations. These treaties were ratified under the Constitution and considered the "supreme law of the land." The ongoing contribution of tribal nations to the US economy is the land on which this nation is built. In exchange for land, the United Stated agreed to protect tribal treaty rights, lands, and resources, including provision of certain services for American Indian and Alaska Native tribes and villages, which is known as the federal Indian trust responsibility. Indiscriminate cuts sacrifice not only the trust obligations, but also thwart tribes' ability to promote economic development and ability to plan for the future of Native children and coming generations.

In Alaska the 2013 sequestration and expected reductions due to the Budget Control Act caps core tribal services including, but not limited to, education, training and employment, job placement, health care, and other services that promote self-sufficiency for Alaska Native's across Alaska. We encourage the Committee to pursue the reversal of sequestration cuts taken effect in FY2013 for the FY2014 budget for all tribal funding sources.

Recommendations for BIA Funding

In Alaska, tribes and villages face a myriad of challenges. While some of these challenges are unique to Alaska, many are similar to the challenges that Tribes across the country face. For example, Alaska Native students are *twice as likely* to drop out as their non-Native peers; 33% of Alaska's unemployed are Alaska Native people, and almost 20% of Alaska Native people have incomes below the federal poverty line – nearly three times the rate of non-Native people.

BIA funding is an integral part of the Indian trust responsibility. From 2004 to FY2013, the BIA consistently received the lowest funding increases among Department of Interior agencies, as the table below shows:

Table: Percentage Increases from recent funding history of the six largest Interior Department Agencies, FY2004 to FY2013

National Parks Services	33.2%
Fish and Wildlife Services	19.1%
U.S. Geological Survey	14.5%
Bureau of Land Management	13.8%
Bureau of Reclamation	11.8%
BIA	10.5%

Funding for Tribes and villages has been and is essential to the provision of services to help overcome those challenges. The failure to ensure that BIA funding has kept has hampered progress for Alaska's tribes and villages to overcome the barriers to self-sufficiency and realize true self-determination.

As a representative for Alaska on TIBC, we encourage Congress to increase tribal funding, in particular with increases through the BIA.

Government Wide Funding Recommendations

In addition to supporting increases for BIA, we support National Congress of American Indians' FY2014 Tribal Budget Recommendations that fall under the Interior Subcommittee's jurisdiction. The FY2014 tribal budget requests have been compiled in collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. I respectively request that these recommendations be included in the FY2014 federal budget in order to honor the trust responsibility and support tribal economic security and prosperity.

Support for Public Law 102-477

The Indian Employment Training and Related Services Demonstration Act, Pub. L. 102-477, as amended, 25 U.S.C. §§ 3401-3417 (or the "477 program"), currently administered by the Office of Indian Energy and Economic Development in the Department of the Interior, provides a critical foundation for maximizing the effectiveness of tribal programs. The law allows the consolidation of funding streams from the U.S. Departments of Interior, Health and Human Services, and Labor into a single education, employment and training program. The 477 program enables flexibility on the part of the receiving organization to plan the programming to best fit the needs of the community and minimize administrative redundancy by merging reporting requirements, while still adhering to the Government Performance Results Act's stringent accountability standards. 267 tribes and tribal organizations operate through 63 plans under the 477 program, making this a program of national significance.

The fundamental purpose of the 477 program is to allow tribes and tribal organizations to reallocate their funds **within their approved 477 program** in order to address local issues and programmatic needs in the most effective manner. From our perspective, giving this authority and responsibility to tribes to meet their own needs is exactly the point and strength of the 477 program. It is precisely this flexibility that has allowed us to be so successful. Over the past several years tribes have been struggling with protecting the 477 program.

While progress has been made in some areas, the agencies continue to propose to the administration changes to the 477 program that would significantly undermine its success. We urge the Subcommittee to remain involved in this issue and supportive of the 477 program. Specifically, we request that the subcommittee maintain Section 430, the language on 477 that was included in the bill in FY12, and amend it to clarify the intent of the program by adding following language:

Notwithstanding any other provision of law, and notwithstanding any auditing or reporting circular of the Office of Management and Budget or related compliance memoranda, hereinbefore and hereinafter (1) any funds supplied by any Federal department or agency to carry out a plan under Public Law 102–477 (the Indian Employment, Training and Related Services Demonstration Act), as amended, shall be consolidated and made available to the applicable Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement under title I or title IV of Public Law 93–638 (the Indian Self-Determination and Education Assistance Act), as amended; and (2) no Indian tribe or tribal organization carrying out such a plan shall be required to separately account for the expenditure of the funds of each Federal department or agency after the date on which the funds are consolidated and paid to the Indian tribe or tribal organization; (3) all funds transferred under an approved Public Law 102-477 plan may be reallocated and rebudgeted by the Indian tribe or tribal organization to best meet the employment, training and related needs of the local community served by the Indian tribe or tribal organization.

Conclusion

Mr. Chairman, we are grateful for this Subcommittee's interest in and support of issues facing Indian Country. Continued support of funding for tribal initiatives is essential to our ability to meet the needs of our people and to promote self-determination. Thank you for your time and consideration.

PNFHPC Pacific Northwest Fish Health Protection Committee

April 22, 2013

The Honorable Mike Simpson
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
2312 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Sub-Committee Members:

I am writing to you on behalf of the Pacific Northwest Fish Health Protection Committee (PNFHPC). The PNFHPC was formed in 1984 and is a consortium of representatives from natural resource management agencies including Treaty Tribes and commercial fish producers from the Pacific Northwest. The committee is a forum, operating on a consensus basis to discuss and resolve fish health issues, to disseminate research findings/educational material and to communicate openly on all matters as they relate to the production of healthy wild and cultured fish. Members within the PNFHPC include representatives from Alaska, California, Idaho, Montana, Oregon and Washington, USFWS, NOAA-Fisheries, Pacific Northwest Tribes, the private fish production sector, with observers from British Columbia, Canada and valuable participation from educational institutions, private and public research laboratories, resource managers and conservation groups within the Pacific Northwest and other regions.

The PNFHPC wishes to express their serious concern regarding the FY 2014 President's Budget that proposes a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. AADAP serves a unique and necessary federal role in aquaculture drug approvals, and exemplifies the U.S. Fish and Wildlife's stated principles of leadership, sound science, and fulfilling its partners' needs.

U.S. aquaculture is worth more $1 billion annually, and U.S. aquaculture farms employ more than 10,500 Americans with a payroll of nearly $169 million. The FAO estimates that for every person directly employed in the fisheries and aquaculture sector, 3 - 4 additional jobs are supported indirectly in related industries. The aquaculture jobs sector is growing and providing food security and jobs throughout the world. Without a strong and growing aquaculture industry, the U.S. faces an increasingly insecure seafood supply: 86% of seafood consumed in the U.S. is imported, creating a seafood deficit of over $10.4 billion annually.

The mission of PNFHPC, in part, is to provide a unified regional forum for fish health issues sa they relate to aquaculture. The aquaculture industry is subject to numerous regulatory burdens, including the U.S. Food and Drug Administration's regulation of aquatic animal drugs needed to ensure the health and well-being of farmed fish, as well as food safety. The market for

PNFHPC John Kerwin, Executive Secretary 600 Capitol Way North Olympia, WA 98504

aquaculture drugs offers pharmaceutical companies little return on investment, and the aquaculture industry relies on public partners for access to these tools. The AADAP program coordinates the efforts of numerous stakeholders, including members of the PNFHPC, to secure aquaculture drug approvals, and aids public and private fish culture operations by allowing for monitored, legal access to drugs in development. AADAP is one of the few federal programs providing needed support to an industry which faces significant and unique challenges related to animal health and risk management.

The PNFHPC recognizes the challenges of the current fiscal climate, but loss of leadership and capacity within the AADAP program will prevent public and private fish culture operations from accessing the tools they need to provide the American public with safe, wholesome seafood. The proposed reductions will effectively terminate the AADAP research program. Without this program the finfish aquaculture drug approval process in the U.S. will be halted. We strongly encourage you to fully support the AADAP program at a funding level of $1.2 million and ensure the current and future needs of commercial aquaculture continue to be met. Thank you for your consideration of our position.

Sincerely and respectfully,

Ken Staigmiller

Ken Staigmiller
Chair, PNFHPC

PNFHPC John Kerwin, Executive Secretary 600 Capitol Way North Olympia, WA 98504

April 25, 2013

House Appropriations Subcommittee on Interior, Environment, and Related Agencies

To Whom It May Concern:

The National Aquaculture Association (NAA) wishes to express their serious concern regarding the FY 2014 President's Budget that proposes a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. AADAP serves a unique and necessary federal role in aquaculture drug approvals, and exemplifies the FWS's stated principles of leadership, sound science, and fulfilling its partners' needs.

U.S. aquaculture is worth more $1 billion annually[1], and U.S. aquaculture farms employ more than 10,500 Americans and pay nearly $169 million in annual salaries[2]. The FAO estimates that for every person directly employed in the fisheries and aquaculture sector, 3 - 4 additional jobs are supported indirectly in related industries. The aquaculture jobs sector is growing and providing food security and jobs throughout the world[3]. Without a strong and growing aquaculture industry, the U.S. faces an increasingly insecure seafood supply: 86% of seafood consumed in the U.S. is imported, creating a seafood deficit of over $10.4 billion annually[4].

The mission of NAA, in part, is to provide a unified national voice for aquaculture to help ensure that Americans have access to safe, healthy, and sustainable seafood. The industry is subject to numerous regulatory burdens, including the U.S. Food and Drug Administration's regulation of aquatic animal drugs needed to ensure the health and well-being of farmed fish, as well as food safety. The market for aquaculture drugs offers pharmaceutical companies little return on investment, and the aquaculture industry relies on public partners for access to these tools. The AADAP program coordinates the efforts of numerous stakeholders to secure aquaculture drug approvals, and aids public and private fish culture operations by allowing for monitored, legal access to drugs in development. AADAP is one of the few federal programs providing needed support to an industry which struggles with significant and unique challenges related to animal health and risk management.

NAA recognizes the challenges of the current fiscal climate, but loss of leadership and capacity within the AADAP program will prevent public and private fish culture operations from accessing the tools they need to provide the American public with safe, wholesome seafood. We strongly encourage you to fully support the AADAP program at a funding level of $1.2 million and ensure the current and future needs of commercial aquaculture continue to be met. Thank you for your consideration of our position.

Sincerely and respectfully,

Mike Freeze, President
National Aquaculture Association

[1] USDA ERS 2012. Aquaculture background. Available here: http://www.ers.usda.gov/topics/animal-products/aquaculture/background.aspx
[2] USDA 2005 Census of Agriculture Available here: http://www.agcensus.usda.gov/Publications/2002/Aquaculture/aquacen2005_22.pdf)
[3] FAO 2012 State of World Fisheries and Aquaculture Report. Available here: http://www.fao.org/docrep/016/i2727e/i2727e.pdf
[4] NMFS NOAA. Aquaculture in the United States. Available here; http://www.nmfs.noaa.gov/aquaculture/aquaculture_in_us.html

AMERICAN GOLD SEAFOODS

PO Box 669 Anacortes, WA 98221 Phone: (360) 293-9448 Fax: (360) 293-0558

The Honorable Mike Simpson April 18, 2013
United States House of Representatives
House Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515

RE: Proposed FY 2014 Budget Reductions to the USFWS Aquatic Animal Drug Approval Partnership (AADAP) Program

Dear Chairman Simpson and Members of the Subcommittee:

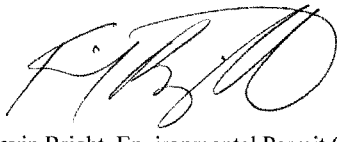
Our company grows, harvests and produces wild fishery and aquaculture products that help supply U.S. seafood markets, and creating thousands of jobs here in the United States. Our parent company, Icicle Seafoods, employs thousands of people throughout the Pacific Northwest and Alaska in both their commercial fishing operations, as well as in their aquaculture operations. I am writing to express our serious concern and opposition to the $400,000/3 FTE budget reduction for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program that is being proposed in the President' FY 2014 Budget. AADAP is the nation's only program singularly committed to obtaining U.S. Food and Drug Administration approval of aquatic animal drugs needed by fisheries professionals, academic research programs and both public and private aquaculture production facilities. AADAP facilitates many key services to the USFWS, other resource agency partners, supports commercial and recreational fishery programs, and assists both public and private aquaculture producers. The AADAP program provides access to necessary new animal drugs and secures new drug approvals to ensure that safe and effective drugs are available to treat fish disease, aid spawning, and facilitates field research and other fisheries management activities. Any reduction in funding for AADAP would have significant and negative impacts on the ability of the USFWS and state natural resource agencies to accomplish their mandated fishery production and field management objectives. This in turn would be damaging to the commercial and recreational fisheries of the United States, as well as the continued recovery of endangered fish stocks. Reductions in the ability, and the measurable progress that has been made to date by AADAP program could also severely impact the hundreds of companies in the United States involved in aquaculture.

Because of this, we strongly encourage you to fully support the **AADAP program at a level of $1,200,000 in base funding**. This figure represents the amount previously dedicated to the drug approval process in the Department of the Interior budget (FY 2010), adjusted to FY 2014 dollars. This is a level that allows the AADAP program to continue making improvements to the processes and tools available for natural resource

managers and domestic aquaculture producers, both key components to our ability to produce seafood in the United States. The AADAP program coordinates the efforts of numerous stakeholders to secure aquaculture drug approvals, and aids public and private fish culture operations by allowing for monitored, legal access to new aquatic animal drugs that are in development. AADAP is one of the few federal programs providing needed support to the unique challenges related to aquaculture, aquatic animal health and risk management for fishery managers across the U.S. Given the importance of this program and its deliverables to the fisheries and aquaculture disciplines, maintaining the current funding level is vital. Without this level of support, these unduplicated and essential activities cannot be completed in a reasonable time frame, and fisheries professionals, especially the USFWS, will be unable to effectively deliver on their responsibilities to the American public.

The proposed cuts would effectively terminate the AADAP research program, and with it, the aquatic animal drug approval process in the U.S. Without the AADAP program, the drug approval process stops, and without approved aquatic animal drugs, fisheries professionals, aquaculture producers and commercial and recreational fisheries themselves will unnecessarily be put in jeopardy. **I strongly encourage you to reconsider the President's proposed budget reductions to the AADAP program and instead would urge your full support of this important program.** Thank you for your consideration of our position.

Sincerely,



Kevin Bright, Environmental Permit Coordinator
American Gold Seafoods

Cc: Ken Calvert, Tom Cole, Tom Graves, Jaime Herrera Beutler, David Joyce, David Valadao, Jim Moran, Betty McCollum, Chellie Pingree, José Serrano

AMERICAN ASSOCIATION OF FISH VETERINARIANS
4580 Crackersport Rd
Allentown, PA 18104

fishvets.org

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April 25, 2013

The Honorable Mike Simpson
United States House of Representatives
House Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515

Dear Chairman Simpson and Members of the Subcommittee:

We are writing in support of the US Fish and Wildlife (USF&WS) Aquatic Animal Drug Approval Partnership (AADAP) program. Current proposed budget cuts will effectively eliminate the critical services that AADAP provides to all fisheries professionals and the aquaculture industry in the US. The American Association of Fish Veterinarians (AAFV) is an association of licensed veterinarians that specialize in aquatic animal medicine. A central function of our organization is to advance the quality and stature of clinical fish veterinary practice and provide safe and effective treatments for fish. We rely heavily upon the AADAP program to assist in the approval process for new animal drugs used in the various aspects of fish medicine and the aquaculture industry. We respectfully request through this letter that current levels of funding at $1,790,000 and current full-time equivalents (FTEs) of the staff be maintained to continue AADAP's mission.

The AADAP program works in a unique partnership with federal, state, and private enterprise to provide safe and efficacious drugs and other tools used to work with fisheries resources in the US. In the early 1990s, the Federal Food and Drug Administration (FDA) announced that all fisheries drugs would need to go through the same approval process that is required of other animal species. The aquatic animal industry is small in comparison to terrestrial animal species production and thus it does not attract investment by private drug companies as the investment returns are limited. Fisheries professionals have had to step up to the challenge and take on the drug registration process on their own. The development and approval of new animal drugs is quite complicated and expensive. The New Animal Drug Application (NADA) process has 6 study sections that must be completed favorably to FDA standards prior to approval which takes many years of research to complete and considerable investment of time and financial resources. Although we all participate in this process, the AADAP program has taken up the lead in coordinating the National Investigational New Animal Drug [INAD] Program (NIP). Through the years, the NIP has allowed for a wealth of important ancillary efficacy and target animal safety data to be generated and this has been used in supporting new animal drug approvals for drugs and therapeutants that we can use.

Many species of fish are produced by the US aquaculture industry which includes the USF&WS, state, and private fish hatcheries. These fish are

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Helen Roberts, DVM
nyfishdoc@gmail.com

used for recreational and commercial fishing and for private sales with one commonality, most of these fish (do we need to also make the case for non-foodfish as well?) like other veterinary species are considered a food animal. The food animal classification carries a special stigma with the FDA and the general public which requires these fish to be produced in safe and unadulterated manner. People want to know that the fish they caught or the one they bought in the grocery store is safe. This health and human safety issue is a huge responsibility for aquatic animal veterinarians who diagnose disease and prescribe drug treatments and for those involved with aquaculture. There must be adequate numbers of drugs available for treatments that are efficacious so that misuse or over use of any individual drug does not promote antimicrobial resistance that could affect efficacy of human drug treatments. (Currently, we work with a very limited armamentarium of approved drugs/therapeutants.) We must know withdrawal times to ensure that there is no drug residue or adulteration of the human food supply. Drugs must also be safe for the target animal and for the people who administer them. AAFV feels that the human health and safety concern would be magnified tremendously if the AADAP program is defunded or eliminated and it would have far reaching deleterious effects on fish veterinary practice and for fisheries biologists collecting data in the field.

We understand that tough decisions must be made in difficult budget times but the AADAP program is money well spent. The aquaculture industry has a significant impact on the American economy providing jobs and billions of dollars to local economies. It is estimated that 33 million Americans fish recreationally, saltwater fishing alone generates $73 billion in economic impact. Do we want to defund a program that helps protect an industry that has this much of an economic impact which essentially pays for itself over and over in new tax revenue? We believe that this would be a mistake. On behalf of the AAFV and its membership we encourage the House Appropriations Committee to maintain the AADAP program at its current funding level of $1,790,000. We welcome contact to answer any questions or concerns you may have over this issue and thank you for your consideration of our proposal.

Respectfully;

Roy P. E. Yanong, VMD

April 25, 2013

The Honorable Mike Simpson

United States House of Representatives

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

Washington, DC 20515

Dear Chairman Simpson and Members of the Subcommittee:

Subject: Written Testimony In Support of AADAP Funding

SeaPac of Idaho is a trout producer, processer and marketing company located in Filer, Idaho. The company was established in 1992, employs over 100 employees and financially contributes to local, state, national and international economies in excess of $20,000,000 annually. I am writing to voice my concern over the proposed funding cuts to the U.S. Fish and Wildlife Service Aquatic Animal Drug Approval Partnership (AADAP) program as described in the FY 2014 President's Budget. Please reconsider the proposed cut of $400,000 to this valuable and beneficial program. I believe the AADAP budget should be maintained at least to the same support level as approved for the 2013 budget or higher after consideration of increasing participation into the program.

Compared to land based animal husbandry operations, aquaculture in the United States was a late entry into confined animal feeding operations. Many of the therapeutics cleared for use in land based husbandry operations due to their long history of safe use were quickly approved by the FDA before they instituted more rigid and expensive data requirements. This coupled with a limited sales volume potential in the aquaculture industry discourages therapeutic manufacturers from seeking approval of the same drugs that have been in use for years in land based operations.

The USFWS's AADAP offers the aquaculture industry an avenue to safely and legally utilize therapeutics that would otherwise be unavailable while at the same time collecting and organizing data requirement needed to seek FDA approval. The AADAP offers the research coordination and data consolidation needed to make it possible for therapeutic manufacturing companies to affordable pursue clearance for aquaculture drugs with the FDA.

SeaPac of Idaho joined the AADAP program in 2010 to participate in the National INAD program for the use of Slice to control copepods on salmonids. There is no other federal or state program available that supports the aquaculture industry in the arena of seeking new

therapeutic options for our industry and SeaPac's partnership with this program has allowed us to legally and safely utilize a therapeutic that would otherwise not be possible. This has taken the operation of two facilities out of a marginal break even performance to a profitable operation allowing expansion of our operations. The use of therapeutics currently covered under this program are key for allowing state, federal and private enterprises such as SeaPac to meet financial and mission goals.

Without adequate financial support for the AADAP program it is feared that work needed for therapeutic approval and the ability to legally and safely use selected drugs will be lost. Without adequate funding for the AADAP program the progress made to date may be lost as well and there is no other financially viable option to replace this program. I strongly urge you to reconsider the drastic defunding of this valuable program and encourage you to support the continuing growth of aquaculture into the future.

Sincerely and respectfully submitted for your consideration

Gary Marquardt

General Manager, SeaPac of Idaho, Incorporated

AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS
Geoscience & Energy Office – Washington, D.C.

Written testimony submitted to:
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
in support of U.S. Geological Survey programs

by

Ted Beaumont, President
American Association of Petroleum Geologists

To the Chair and Members of the Subcommittee:

Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG is the world's largest scientific and professional geological association. The purpose of the association is to advance the science of geology, foster scientific research, and promote technology. AAPG has over 38,000 members around the world, with roughly two-thirds living and working in the United States. These are the professional geoscientists in industry, government, and academia who practice, regulate, and teach the science and process of finding and producing energy resources from the Earth.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the Subcommittee.

Hydraulic Fracturing
Multiple Programs
As part of the effort to improve America's energy security, save consumers money, and maintainUnited States leadership in emerging energy technologies, the USGS, the U.S. Department of Energy (DOE), and the Environmental Protection Agency (EPA) have developed an interagency plan that aims to understand the potential environmental, health, and safety impacts of hydraulically fractured oil and gas resources.

AAPG would like to emphasize that while hydraulic fracturing technology continues to evolve, it is not a new technology and we have substantial knowledge about its impacts as well as evidence of its long-term safety. This should form the basis for any new research. The AAPG supports the USGS budget increase in FY 2014 that will support research efforts that include resource assessments and characterization; water quality; water availability; ecological impacts; effects on people and their communities; and induced seismicity.

Geologic Resource Assessments

Energy Resources Program

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, gas hydrates, geothermal, oil shale, and bitumen and heavy oil.

An urgent problem addressed through the ERP is the **preservation of geological and geophysical data**. The Energy Policy Act of 2005 (EPACT 2005, P.L. 109-58) includes Section 351, Preservation of Geological and Geophysical Data. This program is helping to preserve geological, geophysical data, and engineering data, maps, well logs, and samples. It includes development of a national catalog of this archival material, and providing technical and financial assistance related to the samples and materials. As the Act stipulated, the USGS created the National Geological and Geophysical Data Preservation Program (NGGDPP). Since the beginning of this program, however, it has received insufficient funding to accomplish all of the objectives set out in the authorizing language.

Why is preservation important? Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions this data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But this data still has value to society. The data is valuable for further natural resources exploration and development, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is the type of data that will enable future generations of scientists and policy makers to address the nation's energy, environmental, and natural hazard challenges of the 21st century.

For example, this data has been essential to the development of oil and gas from shales. Geoscientists require previously acquired subsurface cores and samples to identify prospective natural gas deposits that were bypassed before new technology made shale resources economically producible.

The NGGDPP was authorized at $30 million annually in EPACT 2005. Historical allocations for this program have ranged from $750,000 to $1,000,000 per year. These funding levels are inadequate to achieve the program's objectives.

AAPG supports President Obama's FY 2014 request to fund the Energy Resources Program activities at $31 million, and asks the Subcommittee to additionally appropriate $30 million in FY 2014 for the preservation of geological and geophysical data, bringing the total Energy Resource Program budget to $61 million.

Mineral Resources Program
The United States is the world's largest consumer of mineral commodities. They form the building blocks of our economy.

It is therefore essential to the nation's economic and national security that the federal government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout government (Departments of Commerce, Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector.

The USGS Mineral Resources Program (MRP) is the only federal and publicly-available source for comprehensive information and analysis of mineral commodities and mineral materials.

AAPG supports greater funding than the $46.4 million in President Obama's FY 2014 request for the Mineral Resources Program, and urges the Subcommittee to appropriate a level at least even with the FY 2012 request of $48.76 million.

Geologic Landscape & Coastal Assessments
National Cooperative Geologic Mapping Program
AAPG supports the National Cooperative Geologic Mapping Program (NCGMP). This unique partnership between the federal and State governments and the university community further demonstrates the importance of geoscience to society. The geologic maps produced by this program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

AAPG applauds President Obama's support for the National Cooperative Geologic Mapping Program and his increased funding request of $28.3 million. However, this is essentially the amount authorized for FY 1999. Authorizing legislation envisaged annual increases up to $64 million in appropriated funds. AAPG urges the Subcommittee to fund NCGMP at a level higher than the President's request level in FY 2014.

Thank you for the opportunity to present this testimony to the Subcommittee. And thank you for your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

If you have any questions about AAPG or this testimony, please contact Edith Allison, the director of our policy office in Alexandria (phone: 202-643-6533, e-mail: eallison@aapg.org).

Teresita Majewski, President of the Board of the American Cultural Resources Association

Testimony before the
U. S. House of Representatives Committee on Appropriations

Subcommittee on Interior, Environment, and Related Agencies
The Honorable Mike Simpson, Chairman

April 25, 2013

Request:

- $46.925 million for State Historic Preservation Offices (SHPOs)
- $8.985 million for the Tribal Historic Preservation Offices (THPOs).

These programs are funded through withdrawals from the U.S. Department of the Interior's National Park Service Historic Preservation Fund (HPF) (16 U.S.C. § 470h).

ACRA Members Create Jobs and Support the Economy

ACRA is the trade association representing the interests of cultural resource management (CRM) firms of all sizes, types, and specialties. ACRA's member firms undertake much of the legally mandated cultural resource management studies and investigations in the United States.

There are approximately 1,300 CRM firms nationwide that employ over 10,000 professionals, including archaeologists, architectural historians, historians, and an increasingly diverse group of other specialists. These firms generated over $1 billion in revenue in 2012.

Funding SHPOs and THPOs Supports Development

In 1966, Congress, recognizing the importance of our heritage, enacted the National Historic Preservation Act (16 U.S.C. § 470) (NHPA), which established historic preservation as a federal government priority. Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary in the future.

Instead of using federal employees to carry out the Act, the Department of Interior and the Advisory Council on Historic Preservation opted to partner with the States and use SHPOs and THPOs to review all federal projects for their impact on historic properties, among other tasks. CRM firms work closely with federal, state, and local government agencies, private industry and non-profit groups to conduct the reviews required by the NHPA.

In order for the review process to work smoothly, SHPOs and THPOs must have adequate funding. Proper financial support for their work allows SHPOs and THPOs to review and approve projects in a timely basis, facilitating development, moving projects forward in a timely and efficient manner, and ensuring that CRM firms can get the job done.

Conclusion

On behalf of the 150 firms that are members of ACRA, I'd like to thank Chairman Simpson, Ranking Member Moran, and all the members of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit testimony.

I would also like to thank the committee for their commitment to historic preservation.

Written Testimony
American Geosciences Institute

Testimony Submitted by
American Geosciences Institute
Wilson Bonner and Maeve Boland
Geoscience Policy Program

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

April 24, 2013

Thank you for this opportunity to provide the American Geosciences Institute's perspective on fiscal year (FY) 2014 appropriations for geoscience programs within the Subcommittee's jurisdiction. We ask the Subcommittee to support and sustain the critical geoscience work of the United States Geological Survey (USGS), the National Park Service, and the Smithsonian Institution. **Specifically, we ask support for the President's request for $1.167 billion for USGS, $246 million for the National Park Service's Natural Resource Stewardship and Everglades Restoration activities, and $869 million for the Smithsonian Institution.**

The Earth provides the energy, mineral, water, and soil resources that are essential for a thriving economy, national security, and a healthy population and environment. We must understand the Earth system in order to sustain and improve our quality of life and the quality of the environment, while reducing risks from natural hazards. The USGS is the nation's only natural resource science agency that can provide the objective data, observations, analyses, assessments, and scientific solutions to these intersecting Earth-focused needs.

AGI is a nonprofit federation of 48 geoscientific and professional associations that represent approximately 250,000 geologists, geophysicists, and other earth scientists who work in industry, academia, and government. Founded in 1948, AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment.

U.S. Geological Survey

AGI urges support of USGS at least at the level of the President's budget request of $1.167 billion. We endorse the use of $18.6 million for science-based hydraulic fracturing studies that will be coordinated with other agencies. We strongly urge you to reject proposed cuts of $5 million to the nationally important Mineral Resources Program which has suffered budget cuts for more than a decade.

USGS addresses a wide range of important problems facing the nation including natural hazards, water resources, waste disposal, environmental change, and energy and mineral resources. USGS plays a prominent and unique role in providing the impartial geoscience information needed to grow the economy, build a skilled workforce, and foster a natural resource-literate public. USGS geoscience data and understanding should be incorporated more fully into actions for balanced and sustainable development.

Mineral Resources Program (MRP): AGI strongly supports the President's request for an additional $1 million for rare earth element research activities and $1.13 million for high-priority research on critical minerals. This work will help to strengthen the economy and national security. But we are deeply concerned by proposed cuts of $5 million to ongoing MRP activities. The proposed reduction of $1.157 million to minerals information activities is particularly puzzling. The MRP is the world's leading source of statistical information on current production and consumption of about 100 mineral commodities, both domestically and globally, covering approximately 180 countries. MRP data and analyses are used by the Department of the Interior, Department of Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other federal, state and local government entities, foreign governments, private companies, and the general public to guide economic and strategic decision making. Additional proposed cuts of $3.8 million to MRP research and assessment activities will drastically curtail the flow of information on mineral resources for land planning, economic development, and mineral policy decision making. There are no alternative public or private sources for this information. **Please reverse all cuts to the Mineral Resources Program and provide $50 million for minerals information and research in the national interest.**

Hydraulic Fracturing: AGI supports USGS work to better understand the scientific aspects of hydraulic fracturing, to reduce potential impacts, and to provide decision-support information. We are pleased to note the collaboration between USGS, the Department of Energy, and the U.S. Environmental Protection Agency. **We support the allocation of $18.6 million for scientific research on this economically important technology.**

Water Resources Program: AGI is pleased to see a modest overall increase in funding for Water Resources activities at USGS but we are concerned with the decreased funding in the President's request for several elements of the Program. The USGS is the nation's premier federal water science agency and knowledge about water quality and quantity is necessary for economic growth and land-use planning. Eliminating $5.5 million in grants to more than 250 applied research and information transfer projects under the Water Resource Research Act Program will affect university water resource education and research and weaken our future workforce. The nation needs more information on the quantity and quality of our water resources; we should be investing more, not less, in water assessment activities.
We respectfully ask that funding for the Methods Development and Assessment in the National Water Quality Assessment Program, for Interpretative Studies/Assessments in the Cooperative Water Program, and for annual base grants under the Water Resource Research Act Program be maintained at FY 2013 levels.

National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards: A key role for the USGS is providing the research, monitoring, and assessment that are critically needed to better prepare for and respond to natural hazards. The tragic 2011 Tohoku earthquake and tsunami in Japan; the deadly 2013 earthquakes and landslides in Sichuan, China; and the economically damaging disruption of air travel after the 2010 eruption of Eyjafjallajokyull remind us of the need for preparation, education, mitigation and rapid response to natural hazards.
With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (P.L. 106-503) called for modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS)—a nationwide network of shaking measurement systems focused on urban areas. ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage. With 2,564 of 7,100 stations in operation at the end of 2012, the ANSS is far from achieving its goals. Critical investments now will help to reduce earthquake risks; help to create jobs and grow the economy by improving and modernizing seismic networks and the built environment; help support external earthquake research and education efforts; and help to support other major earthquake science initiatives. Given all of these factors, now is the time to increase investments in USGS-NEHRP through the Earthquake Hazards Program. **AGI strongly supports reauthorization and funding of NEHRP in the 113th Congress.**
AGI supports robust appropriations of at least the President's request for the Earthquake Hazards Program ($57.9 million), the Volcano Hazards Program ($24.7 million) and Landslide Hazards Program ($3.7 million).

National Cooperative Geologic Mapping Program (NCGMP): AGI is very grateful to Congress for passing the re-authorization of the National Cooperative Geologic Mapping Program in the 2009 public lands omnibus (P.L. 111-11, Sec. 11001). This important 20-year-old partnership between the USGS, state geological surveys, and universities provides the nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. **AGI thanks the committee for its previous support for the National Cooperative Geologic Mapping Program and requests a total of $28.3 million in FY 2014.**

National Geological and Geophysical Data Preservation Program (NGGDP): The data preservation program (Public Law 109-58, Sec. 351) is administered by the U.S. Geological Survey in partnership with state geological surveys and other stakeholders. Private and public entities collect geologic and geophysical data in the form of paper records, digital files, and physical samples. Often these data and samples are given to state geological surveys either voluntarily or because of regulatory statutes. These data are worth far more than the cost of preserving them because they provide information about natural resources and natural hazards that are used by others for business or safety. The program generates more value in terms of economic development, environmental stewardship, hazard mitigation and fulfilling regulatory requirements than it costs to run.

The President's budget request for FY 2014 places the NGGDPP and the Biological Information Management and Delivery Program within a single subactivity called Science Synthesis, Analysis, and Research. **AGI supports a modest increase of $100,000 over the FY 2012 estimate for a total appropriation of $2 million.**

Smithsonian Institution

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. AGI asks the Subcommittee to provide steady funding to cutting-edge Earth science research at the Smithsonian Institution. **We support the President's request of $869 million for the Smithsonian Institution in FY 2014.**

National Park Service

The national parks are very important to the geoscience community and the public as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education, and outdoor activities. The National Park Services' Geologic Resources Division was established in 1995 to provide park managers with geologic expertise. Working in conjunction with USGS and other partners, the division helps ensure that geoscientists are becoming part of an integrated approach to science-based resource management in parks. **AGI supports the President's request for $236 million for Natural Resource Stewardship activities and $10 million for Everglades Restoration so the NPS can adequately address the treasured geologic and hydrologic resources in the National Parks.**

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact Maeve Boland at 703-379-2480, ext. 228 voice, 703-379-7563 fax, mboland@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

Testimony of the
American Geophysical Union
Prepared by Elizabeth Landau, Public Affairs Manager

Regarding the
U.S. Geological Survey
FY 2014 Budget Request

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
24 April, 2013

The American Geophysical Union (AGU), a non-profit, non-partisan scientific society, appreciates the opportunity to submit testimony regarding the fiscal year 2014 budget request for the United States Geological Survey (USGS). **The AGU, on behalf of its over 62,000 Earth and space scientist members, would like to respectfully request Congress to appropriate at least $1.167 billion for FY14, and to restore critical funding for USGS programs that will enable implementation of natural hazards warning and monitoring systems that will reduce risks from floods, earthquakes, severe storms, volcanic eruptions, and other hazards.**

USGS Benefits Every State in The Union: The USGS is uniquely positioned to provide information and inform responses to many of the nation's greatest challenges. The USGS plays a crucial role in assessing water quality and quantity; reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards; providing emergency responders with geospatial data to improve homeland security; assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources); and providing the science needed to manage our ecosystems and combat invasive species that can threaten natural and managed environmental systems and public health.

The U.S. Geological Survey has a national mission that extends beyond the boundaries of the nation's public lands to positively impact the lives of all Americans. The USGS plays a crucial role in protecting the public from natural hazards, assessing water quality and

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quantity, providing geospatial data, and conducting the science necessary to manage our nation's living, mineral, and energy resources. Through its offices across the country, the USGS works with partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples of the USGS' valuable work are provided below.

The Survey collects scientific information on water availability and quality to inform the public and decision makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000 surface-water and groundwater sites. This information is needed to effectively manage freshwaters – both above and below the land surface – for domestic, public, agricultural, commercial, industrial, recreational, and ecological purposes.

National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards: The USGS plays an important role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year. Seismic networks and hazard analyses are used to formulate earthquake probabilities and to establish building codes. USGS monitors volcanoes and provides warnings about impending eruptions that are used by aviation officials to prevent planes from flying into volcanic ash clouds. Data from the USGS network of stream gages enable the National Weather Service to issue flood and drought warnings. The bureau and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. USGS research on ecosystem structure informs fire risk forecasts. **AGU supports the President's Request of $142.6 million for Natural Hazards for FY14.**

Mineral Resources Program: USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal – are essential for making decisions about the nation's future. The Survey identifies the location and quantity of domestic mineral and energy resources, and assesses the economic and environmental effects of resource extraction and use. The agency is mapping domestic supplies of rare earth elements necessary for widespread deployment of new energy technologies, which can reduce dependence on foreign oil and mitigate climate change. The USGS is the sole federal source of information on mineral potential, production, and consumption.

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Research conducted by the USGS is vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that are used to assess the impact of natural disasters and monitor global agriculture production. The USGS also assesses the nation's potential for carbon sequestration. Other Interior bureaus use USGS research on how climate variability affects fish, wildlife, and ecological processes to inform natural resource management decisions.

Funding Shortfall: Over the years, Congress has worked in a bipartisan fashion to restore damaging budget cuts proposed by Administrations from both parties. These efforts have paid dividends and helped the USGS continue to provide answers to the challenging questions facing decision-makers across the country. A major challenge currently facing the USGS is budget sequestration. Not only has the agency's budget been cut by $61 million, but the USGS faces further funding cuts as other federal agencies scale back reimbursable activities, which represent roughly $400 million of USGS' annual operating budget.

Among the sequestration-induced impacts to USGS science:

- In order to prevent the shutdown of 350 stream gauges, USGS will stop delivering stream flow information. This will hinder informed decision-making, but is less costly than turning off the stream gauges and losing data altogether.
- Maintenance of real time status of stream gauges and seismic networks will diminish, potentially resulting in data gaps.
- Decreased monitoring of volcanoes and delayed warnings about volcanic activity. The Federal Aviation Administration relies upon this information to route planes safely in Alaska and elsewhere.
- Fewer early warnings will be issued about emerging wildlife diseases. This could jeopardize natural resource managers' abilities to respond to threats in a timely manner.
- Energy assessments will take longer to be completed. These delays could slow economic development and the nation's efforts to utilize more domestic energy.

The USGS has also implemented a hiring freeze, disallowed overtime, and cancelled all training and non-essential travel. Contracts and grants are being reviewed internally to determine the feasibility of delay, re-scoping, or termination. Employee furloughs of up to nine days are also possible. The employees of the USGS are hardworking and committed individuals dedicated to serving the American public. They routinely work in harsh

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conditions and with limited resources. Unpaid furloughs threaten to further diminish employee morale.

In addition, USGS suspended employee attendance at twenty-seven conferences in February, March, and April. Although this may save money in the short term, scientists must be able to exchange ideas and information freely. Scientific conferences are a highly productive mechanism for the transfer of information among scientists and engineers.

USGS has identified ways to cope with its diminished budget in the short term, but the agency's ability to deliver science over the long-term is in jeopardy. We are especially concerned about long-term data sets, as information gaps cannot be filled later.

The AGU is grateful to the House Interior Appropriations Subcommittee for its leadership in restoring past budget cuts and strengthening the U.S. Geological Survey. We appreciate the opportunity to submit this testimony to the Subcommittee and thank you for your thoughtful consideration of our request. For additional information, please contact Elizabeth Landau at the American Geophysical Union, 202-777-7535 or elandau@agu.org.

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Testimony of the All Indian Pueblo Council

2401 12th Street NW, Albuquerque, NM 87104

Submitted to the House and Senate Appropriations Subcommittees
on Interior, Environment and Related Agencies

Regarding the FY 2014 Bureau of Indian Affairs and Indian Health Service Budgets

April 25, 2013

Established in 1598, the All Indian Pueblo Council (AIPC) has served as the political voice of the Pueblos of New Mexico and Texas. The AIPC is comprised of twenty Pueblos: Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Ysleta del Sur, Zia, and Zuni. Every Pueblo governor carries a cane from President Abraham Lincoln, which was specifically presented to the governors 150 years ago to acknowledge our sovereign authority over our lands and our people. Each cane is a physical embodiment of the recognition of our status and of the commitment of the United States to protect and respect our sovereign rights, as well as to support the well-being of our communities.

It is with the United States' commitments firmly in mind that we provide testimony to Congress. AIPC asks that the Subcommittees:

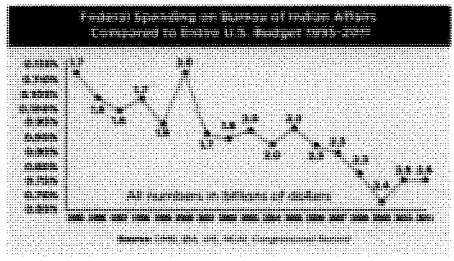
- **Exempt Indian programs from further sequestration**
- **Fund Indian programs at a level that keeps pace with inflationary costs**
- **Fully fund Contract Support Costs**
- **Support *Carcieri* and *Patchak* Fixes**

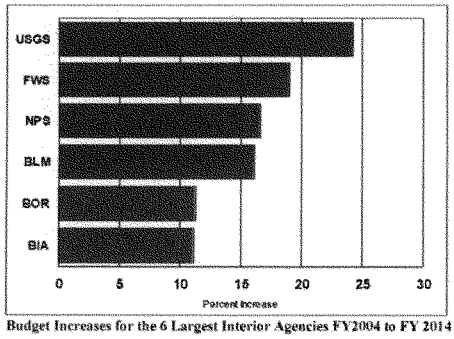
Exempt Indian programs from further sequestration. While the effects of sequestration are initially becoming apparent in the form of delayed flights and inconvenienced travelers, we can attest that it will do much for than inconvenience Indian Country. The Pueblos provide essential services to our citizens but we cannot do that alone. When funding for programs is cut, we often have very few other resources to turn to make up the difference. Unfortunately, the sequestration applies fully to virtually all Federal Indian programs, even though many Native communities suffer the worst social and economic statistics in the country, largely due to Federal action and policies in place over the last two hundred years.

This situation is particularly heartbreaking for Native people when we see that many low-income programs (such as Child Care Entitlement to States; Child Health Insurance Fund; Family Support Programs and Temporary Assistance for Needy Families) were exempted from sequestration but Federal Indian programs were not. It is heartbreaking for us when we see that the Veterans Administration's hospital system was exempted from sequestration but the Indian Health Service (IHS) was not. This puts the life, health and well-being of generations of Native peoples at risk in a system that already strains to deliver basic healthcare. The Subcommittees can and should fund the IHS at a level that would offset the sequester amount and in doing so honor our Nation's commitment to its First Peoples.

Fund Indian programs at a level that keeps pace with inflationary costs. When evaluating whether the Federal budget fulfills the Trust responsibility, AIPC believes that it is critical to take into account the affects of inflation. From FY 2002 through FY 2008, despite annual increases, after taking into account the affect of inflation, most Federal domestic programs, including the Indian programs, saw a purchase power decrease of approximately 14%. The large budget increase in FY 2009, including American Recovery and Reinvestment Act funding, was approximately enough to make up for this effective cut and bring the purchase power of Indian programs back to FY 2002 levels, but in the intervening 12 years, Indian country needs have grown substantially. And, of course, the FY 2002 levels were inadequate to address the needs of Indian country or to fulfill the Federal government's trust obligation.

In a very real way, the budget of the United States government reflects the values of the American people. Courtesy of the National Congress of American Indians (NCAI), set forth below is a chart that depicts the percentage of the Federal budget dedicated to funding the Bureau of Indian Affairs (BIA). As you can see, as a percentage of the overall budget, the BIA budget has declined from .115% in FY 1995 to .075% (correcting chart typo) in FY 2011, approximately a one-third decline as a percentage of the overall budget (despite a small bump up in FY 2010). Below that chart is another which demonstrates that over the last ten years, when funding increases have come to the Department of the Interior they have been greater for other major agencies within the Department than for the BIA.





Budget Increases for the 6 Largest Interior Agencies FY2004 to FY 2014

AIPC respectfully asks that the Subcommittees support funding increases for Federal Indian programs that consistently exceed the relevant rate of inflation in order to achieve real progress in closing the services gap for Native people. At a minimum, Federal Indian programs should be held harmless from any reductions coming from sequestration or similar future draconian cuts. Federal Indian programs should not be deemed discretionary, but rather mandatory.

Fully Fund Contract Support Costs. AIPC thanks Congress for appropriating additional funding for IHS Contract Support Costs (CSC) necessary to administer Tribal health programs authorized under the Indian Self-Determination and Education Assistance Act. Even so, there remains an ongoing shortfall of CSC, which continues to impose significant hardships our ability to provide adequate health services to our patients when direct program funds have to be diverted to pay overhead costs. We urge the Subcommittees to continue to push for full funding of CSC. While it is difficult to estimate the full CSC need for FY 2014 — in part because IHS refuses to release its CSC distribution data for the last two years, — the total needed increase over the Administration's request for CSCFY 2014 for Compacting and Contracting Tribes is estimated to be at least $617 million. BIA Contract Support Costs should also be fully funded; the estimated increase needed to fully fund CSC is an additional $22.7 million.

Given the progress toward full CSC funding in recent years, we are dismayed the Administration's FY 2014 budget proposed only a minimal increase for IHS CSC to $477 million. This would force Tribes to absorb almost $140 million in uncompensated costs for allowable and reasonable administration costs associated with managing federal programs. The Administration's proposed appropriations act language, whether intentional or not, attempts to preclude tribes from their right to recover any of their CSC shortfalls through contract actions, as ruled by the Supreme Court in the *Salazar v. Ramah Navajo* decision. The bill language would incorporate by reference a table identifying the capped amount as determined by the agency of CSC available to be paid for every compactor or contractor. This process is being proposed without Tribal Consultation and is unworkable, therefore we urge that the Committees reject this proposed approach and, instead, fully fund CSC for both IHS and BIA.

Carcieri and *Patchak* Fixes. Although there is no question that the twenty Pueblos were "under Federal jurisdiction" in 1934, and thus are not subject to the immediate harmful effects of the Supreme Court's decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. This decision has led to two classes of Tribes – those that can take land into trust and build up their communities and those that cannot. The President has included *Carcieri* "fix" language in his FY 2014 budget, and the Subcommittees strongly supported "fix" language earlier, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes. AIPC asks that the Subcommittees take up the fight for fair and equal treatment of all Tribal nations and, once again, advance a *Carcieri* fix. We also ask that the Subcommittees support a *Patchak* fix, a ruling which affects every Tribe because it provides that even up to six years after land has been taken into trust a suit can be brought challenging that decision. *Both of these holdings are severely hampering economic development in Indian Country*

Conclusion. AIPC's mission is to promote justice and to encourage the common welfare of the Pueblo citizens. We address governmental policy and social issues and we strive to revitalize Pueblo culture and to preserve our Pueblo languages. We are proud of our cultural heritage and want to ensure that our children and our children's children carry on our traditions and speak our languages for generations to come. We ask that the Federal government uphold its solemn trust responsibility and we thank the Subcommittees for considering our testimony.

Krista Allen
Radon Advocate & Activist
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As a radon advocate and a daughter who lost her father to radon-induced lung cancer, I am asking for increased EPA funding for radon awareness programs. **I am asking for the previous budget of $12 million to not only be reinstated but increased to $20 million because of the significant risk of radon exposure.** Radon is the leading cause of lung cancer in non-smokers and kills over 23,000 people on an annual basis.

My dad, Walt Staiert, was diagnosed with stage IV lung cancer on April 9, 2012. He was **not a smoker** so the diagnosis came as a huge surprise to everyone. We were completely **unaware of radon-induced lung cancer** and did not learn about it until after my dad died on May 12, 2012. He **lived a short four weeks and five days** after his diagnosis. During those four weeks and five days though I had to watch the strongest man I have ever known fight for every single breath. His vocal chords were paralyzed by the cancer so he was unable to communicate with those he loved. I don't wish this type of heart-wrenching grief on anyone and have devoted my life to raising awareness of the dangers associated with radon exposure.

An estimated **400 deaths are caused by radon-induced lung cancer each year in Iowa alone.** Iowa leads the nation in the percent of homes over the 4 pCi/L as well as the percent of homes over 20 pCi/L and **I had never heard of radon until after my dad died**. An easy way to reduce radon-induced lung cancer is to increase awareness. Radon is a life-threatening radioactive gas and the test is inexpensive and easy to use. Because many people are unaware of radon, often those who hear about it are afraid to test their homes. However, the process to fix their home is relatively easy and inexpensive when you compare it to the loss of a loved one.

Lung cancer is the leading cause of cancer deaths in the United States. It kills more Americans that breast cancer, prostate cancer and colorectal cancers combined. Approximately 50% of the people diagnosed with lung cancer have never smoked or are former smokers. Because of the perception that lung cancer is self-inflicted the funding dollars are very low, which is why those with late stages of lung cancer are only given a 2-4% five-year survival chance.

By increasing the amount of funding for radon awareness, you will be saving lives, including your loved ones. Please don't discount our efforts by eliminating the funding needed to promote radon awareness. How will people learn about the risks associated with radon exposure without your help and financial assistance?

Thank you for your time.

Respectfully,
Krista M Allen

Source: "Radon & You: What you need to know to protect you and your family." Iowa Radon Coalition. 2013. http://www.iowaaircoalition.org/.

Written Testimony of Scott Steen, CEO, American Forests
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
April 25, 2013

Dear Mr. Chairman and Honorable Members of the Subcommittee:

American Forests appreciates the opportunity to submit written public testimony regarding our Fiscal Year 2014 appropriation recommendations. We understand the continuing economic realities facing the nation and the need for fiscal austerity, and we thank this Subcommittee for its support of key federal conservation programs in the Full-Year Continuing Appropriations Act of 2013. The return on investing in our nation's forests is great, whether those forests are public or private, urban or rural. The economic, social, and environmental benefits healthy forests provide are clear incentives for federal investment. American Forests' funding recommendations are generally consistent with the President's budget requests for the Department of Agriculture, Department of Interior, and the Environmental Protection Agency, with the exception of programs that merit a return to the FY 2012 enacted levels.

Founded in 1875, American Forests is the oldest national nonprofit conservation organization in the country with the mission to protect and restore forests. It has served as a catalyst for many of the most important milestones in the conservation movement, including the founding of the U.S. Forest Service, the Conservation Corps, the national park system, and thousands of forest ecosystem restoration projects and public education efforts. Since 1990, American Forests has planted more than 43 million trees in forests throughout the U.S. and 38 other countries, resulting in cleaner air and drinking water, restored habitat for wildlife and fish, and the removal of millions of tonnes of carbon dioxide from the atmosphere.

The economic benefits of outdoor recreation and natural resource conservation highlight the importance of American Forests' efforts. A recently published report found that the combined value of outdoor recreation, natural resource conservation, and historic preservation annually generates at least $1.7 trillion in economic activity, supports 12.8 million jobs, and brings in $211 billion in tax revenue.[1] As the report notes, "this sector of the U.S. economy is larger than the U.S. auto and pharmaceutical industries combined." Protecting and restoring our forests will ensure on-going economic and environmental viability for communities that rely on them for clean air, clean water, wildlife habitat, increased health and well-being, and recreational opportunities.

Department of Agriculture

U.S. Forest Service

Collaborative Forest Landscape Restoration: As identified in the Collaborative Forest Landscape Restoration 2012 Annual Report[2], FY12's $40 million investment resulted in: 4,574 full- and part-time jobs created and maintained; $320 million in labor income; 612,000 acres

[1] Southwick Associates, "The Combined Value of Outdoor Recreation, Natural Resource Conservation, and Historical Preservation, 2013," April 8, 2013.
[2] People Restoring America's Forests: 2012 Report on the Collaborative Forest Landscape Restoration Program, 2012, http://www.americanforests.org/wp-content/uploads/2012/01/CFLR-2012-Annual-Report_LR-12.19.12.pdf

with reduced risk of wildland fire; 6,000 miles of remediated or decommissioned eroding roads to enhance clean water supplies; 95.1 million cubic feet of timber sold; 537,000 acres of wildlife habitat improved; and 400 miles of fish habitat restored. In sum, CFLR leveraged an additional $45.4 million dollars towards collaborative actions in 2012. *American Forests supports the President's request of $39.85 million; fully funding the existing twenty projects within the program and in line with the FY12 enacted levels.*

Urban and Community Forestry (U&CF): Urban forests make a significant contribution to the quality of life in communities across the country. In 2012, the U&CF program delivered technical, financial, and educational assistance to 7,499 communities and nearly 200 million people in all 50 states, the District of Columbia, U.S. territories, and affiliated Pacific Island nations. In FY 2012, 78% of the total budget was distributed to states and partners for delivery of the U&CF program. Urban forests are integral to any community striving to reinvest in itself, encourage active, healthy citizens, and create a healthier and more sustainable environment with smart green infrastructure. *American Forests requests no less than the FY12 enacted levels for the Urban and Community Forestry program at $31.3 million.*

Forest Health Management: Exotic pests and invasive species are among the greatest threats to urban and rural forests. Non-native pests already cost city governments $2 billion each year to remove and replace trees killed by pests. Homeowners in these communities pay another $1 billion per year to remove dead trees from their own properties. The substantial loss of trees in our communities impacts quality of life and property values. Funding for the Forest Health Program supports activities related to prevention, suppression, and eradication of insects, diseases, and plants, as well as conducting forest health monitoring through pest surveys. *American Forests supports the President's combined request for the Forest Health Management Program on federal and cooperative lands at $104.57 million.*

Hazardous Fuels Reduction: In 2012, 67,774 wildland fires burned more than 9.3 million acres. These larger fires destroyed 4,200 structures, including more than 2,200 residences. The Hazardous Fuels Programs at the Forest Service and the Department of Interior are the primary sources of funding used to reduce wildfire risk on Federal lands. In FY 2012, the Forest Service treated over 2.2 million acres—with over 1.8 million of those acres within the Wildland Urban Interface (WUI). Bureaus at the Department of Interior treated 1,000,273 acres in FY12—over 73% of which were in the WUI. *American Forests requests no less than the FY12 funding levels across the Bureaus at the Department of Interior and at $317 million for the Hazardous Fuels Program within the US Forest Service.*

FLAME and Fire Suppression Funding: The Forest Service did not have sufficient funding for suppression purposes for the entire Fiscal Year 2012, and it implemented a funding strategy to transfer funds from non-fire programs to cover any unintended shortfalls. American Forests greatly appreciates this committee's efforts to include reimbursements for these transferred funds as part of the FY13 continuing resolution process. Estimates for the costs of suppression for the remainder of Fiscal Year 2013 anticipate that suppression costs will again significantly exceed the 10-year average. *In order to avoid such transfers in FY14, American Forests requests funding for the Suppression budget line item at the Forest Service and DOI that is no less than the 10 year average and to provide reserve funding (that is separate from and in addition to suppression funding) in the FLAME Accounts.*

Natural Resources Conservation Service

Farm Bill and Conservation Programs: The NRCS and the Forest Service partner with private landowners, providing technical and financial assistance to help protect farms, ranch lands, and private forestlands. Funding provides for conservation programs that focus on priority landscapes most in need of protection, emphasize partnering with local constituents to efficiently implement programs and initiatives, and help create jobs and strengthen the rural economy. *American Forests supports the President's request for all NRCS Programs at $3.86 billion.*

Department of Interior

Bureau of Land Management

Public Domain Forest Management: The BLM is entrusted with the management and ecosystem health and recovery of 58 million acres of forests and woodlands across 12 western states, including Alaska. The PD Forest Management utilizes numerous tools to achieve its goals, including stewardship contracting, which exchanges harvested forest products for forest health treatments and uses matching funds to treat greater acreage, and the Good Neighbor authority in Colorado to achieve forest health treatments on a landscape level across BLM and State lands and increases forest resiliency. Stewardship contracting must be reauthorized for this important work to continue, and Good Neighbor should be expanded across numerous states to achieve landscape-level treatments. *American Forests supports the President's request to return the Public Domain Forest Management to FY12 levels at $9.84 million.*

National Landscape Conservation System: The System comprises more than 27 million acres of protected public land managed to maintain and enhance conservation values and allow for multiple, sustainable uses. The System's goal is to conserve, protect, and restore these important landscapes for their outstanding cultural, ecological, and scientific values. The NLCS manages units that include over 2,700 recreation sites and 22 visitor centers, and it serves approximately 14 million visitors annually. *American Forests believes the President's request for $71.56 million is needed to prevent critical damage to these resources, ensure proper management, and provide for quality visitor experiences.*

Fish and Wildlife Service

Endangered Species Program: For nearly 40 years, the Endangered Species Act has helped prevent the extinction of our nation's treasured wildlife and plant species, many of which thrive in forested habitat. While the Act has made significant strides in protecting our most imperiled species – 99 percent of species protected under the Act have been rescued from extinction and 20 species have been restored to the point of no longer needing protection – there are still major shortfalls. Numerous species in need of protection, including the whitebark pine, are precluded from the list due to lack of adequate resources. *American Forests supports the President's request of $185.4 million.*

National Wildlife Refuge System: The Refuge System, with 561 refuges of more than 150 million acres across the country, is vital to protecting America's wildlife and ensuring that these habitats are a priority. Since refuges are visited by approximately 45 million people each year and generate more than $4.2 billion in economic output and more than 34,000 jobs in recreation

spending[3], investment in the Refuge system is an investment in our communities. While it is well documented that an annual operations and maintenance budget should total at least $900 million[4], *American Forests supports the President's request for $499.2 million.*

National Park Service

National Park System: American Forests was instrumental nearly 100 years ago in the creation of the national parks and continues to this day supporting the service that is the steward of the nation's iconic landscapes – 401 park units, 23 national scenic and historic trails, and 58 wild and scenic rivers. However, many of these forested parks are threatened by a series of stresses. Invasive species and uncontrolled outbreaks of pests have left these forested treasures vulnerable. American Forests is dedicated to restoring these parks, especially those in the intermountain west affected by the mountain pine bark beetle. *As such, American Forests supports the total budget request of $3.115 billion.*

Urban Parks and Recreation: The reestablishment of this program to provide competitive grants improving existing recreational opportunities is essential to bring nature to the urban communities. These grants focus on engaging and connecting communities, especially young people, to their neighborhood parks through projects that would revitalize and rehabilitate park and recreation opportunities. As a leader in the urban forestry field, American Forests applauds the renewed efforts of the NPS and Interior in developing these environmental justice strategies to improve park units that will impact urban economies and the quality of life for urban residents. *American Forests supports the President's request of $10 million.*

Environmental Protection Agency

Office of Water

All forests play vital roles in delivering clean water to communities of every size. Urban and rural forests offer fiscally-sound green solutions to the management of stormwater, water storage, groundwater recharge, and pollutant reduction.

Sustainable Water Infrastructure: The EPA is implementing a Sustainable Water Infrastructure Policy that focuses on working with states and communities to enhance technical, managerial, and financial capacity, which also addresses "green infrastructure" options and their multiple benefits. *American Forests supports the new infrastructure improvement projects for public drinking water systems' request of $817 million for the Drinking Water State Revolving Fund and the $1.095 billion for public water treatment systems under the Clean Water State Revolving Fund.*

Urban Waters Federal Partnership: This 13 interagency effort coordinated by the EPA helps stimulate local economies, create jobs, improve quality of life, and protect health by revitalizing urban waterways and the communities around them, focusing on underserved urban communities of all sizes. *American Forests supports appropriating FY14 at no less than FY12 levels.*

[3] The Department of the Interior's Economic Contributions FY2011 report, p.21; 2006 Banking on Nature report
[4] *Restoring America's Wildlife Refuges 2011: Assets for All Americans,* Cooperative Alliance for Refuge Enhancement

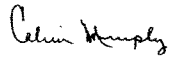
Calvin Murphy, Treasurer
SIL Radon Awareness Task Force, Inc
18245 E IL Highway 15
Mt Vernon, IL 62864

The USEPA State Indoor Radon Grant – SIRG - program has been zeroed out for FY 2014. The program has been funded in the amount of $8 million in previous budgets. The SIL Radon Awareness Task Force, Inc is a participant in the program and uses funds received to educate residents in the Southern twenty five counties of Southern Illinois regarding the hazards of living with elevated radon levels and encouraging homeowners to take corrective action when elevated radon levels are discovered in a home or commercial building.

In 2012, we partnered with Southern Illinois Healthcare in Carbondale, IL to host a radon and lung cancer forum for medical providers. In 2013, we have hosted educational meetings for Child Care Providers. There is probably no other program that receives a better return on investment than the SIRG program.

I urge the appropriations committee to maintain this funding.

Yours truly,



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STATEMENT OF
THE AMERICAN SOCIETY OF CIVIL ENGINEERS
BEFORE THE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES
ON THE
ON THE FY 2014 BUDGETS OF
THE ENVIRONMENTAL PROTECTION AGENCY
AND THE UNITED STATES GEOLOGICAL SURVEY
APRIL 25, 2013

Mr. Chairman and Members of the Subcommittee:

The American Society of Civil Engineers (ASCE) is pleased to present its views on the proposed budgets for the Environmental Protection Agency (EPA) and the United States Geological Survey for Fiscal Year 2014. The budget proposal fails the nation in critical infrastructure areas.

A. **THE ENVIRONMENTAL PROTECTION AGENCY**

The FY 2014 budget proposal continues the movement toward short-changing America's public-health infrastructure. The president proposes a budget of $8.2 billion for EPA in FY 2014. The budget would continue to reduce spending on essential water infrastructure systems, a practice in recent years that skimps on aging wastewater and drinking-water systems that protect public health, safety, and welfare.

Despite the demonstrated need for greater investment in wastewater and drinking water infrastructure, the president proposes to reduce spending on drinking-water and wastewater infrastructure from the $2.36 billion enacted in the Consolidated and Further Continuing Appropriations Act, 2013, to $1.917 billion—a cutback of fully 19 percent in federal funding for aging water infrastructure from FY 2013. This cut is on top of the 15 percent reduction in FY 2013 from FY 2012.

Our 2013 Report Card for America's Infrastructure released in March gave the nation's wastewater and drinking-water systems identical grades of D, a slight improvement over the 2009 assessment of D-.

In 2011, ASCE released a comprehensive analysis of the potential economic costs to the nation of failing to invest in water infrastructure. The report, Failure to Act: the Economic Impact of Current Investment Trends in Water and Wastewater Treatment Infrastructure, determined that water infrastructure in the United States is clearly aging and investment is not able to keep up with the need.

We found that, if current trends persist, by 2020 the anticipated capital funding gap will be $84 billion. The $84 billion funding gap may lead to $147 billion in increased costs for businesses and a further $59 billion for households. In the worst case, the U.S. will lose almost 700,000 jobs by 2020. By 2020, the average annual effect on the U.S. economy is expected to be $416 billion in lost GDP. Putting the problem in terms we can all understand, the average family household budget will increase about $900 annually to cover the cost of increased water rates and lost income.

Drinking Water

The 2013 *Report Card* summarizes the current situation this way:

> At the dawn of the 21st century, much of our drinking water infrastructure is nearing the end of its useful life. There are an estimated 240,000 water main breaks per year in the United States. Assuming every pipe would need to be replaced, the cost over the coming decades could reach more than $1 trillion, according to the American Water Works Association (AWWA). The quality of drinking water in the United States remains universally high, however. Even though pipes and mains are frequently more than 100 years old and in need of replacement, outbreaks of disease attributable to drinking water are rare.

Although new pipes are being added to expand service areas, drinking-water systems degrade over time, with the useful life of component parts ranging from 15 to 95 years. Especially in the country's older cities, much of the drinking water infrastructure is old and in need of replacement. Failures in drinking water infrastructure can result in water disruptions, impediments to emergency response, and damage to other types of infrastructure. Broken water mains can damage roadways and structures and hinder fire-control efforts. Unscheduled repair work to address emergency pipe failures may cause additional disruptions to transportation and commerce.

It is estimated that more than one million miles of water mains are in place in the United States. Some pipes date back to the Civil War era and often are not examined until there is a problem or a water main break. These breaks are becoming more common, as there are an estimated 240,000 water main breaks per year in the United States—an average of nearly 700 a day.

Determining pipe condition through cost-effective structural assessments will allow worst-condition pipes to be addressed first, avoiding potential failures and associated risks, damages, and costs. These structural condition assessments will also help avoid premature replacement of structurally sound pipes to save resources and time. As a result of these benefits, demand for and value from these assessments is expected to increase significantly over the next 20 years.

Wastewater

Capital investment needs for the nation's wastewater and stormwater systems are estimated to total $298 billion over the next 20 years. Pipes represent the largest capital need, comprising three quarters of total needs. Fixing and expanding the pipes will address sanitary sewer overflows, combined sewer overflows, and other pipe-related issues

In recent years, capital needs for the treatment plants comprise about 15 percent to 20 percent of total needs, but will likely increase due to new regulatory requirements. Stormwater needs, while growing, are still small compared with sanitary pipes and treatment plants. Since 2007, the federal government has required cities to invest more than $15 billion in new pipes, plants, and equipment to eliminate combined sewer overflows.

The problems associated with aging wastewater treatment systems are daunting. In the 21st century, many of those neglected systems are in need of maintenance and repairs. Most assessment reports by government agencies and interest groups agree that the bill amounts to hundreds of billions of dollars over the next two decades. In 2009, the EPA reported to Congress that the states had assessed 16 percent of America's stream miles and found that 36 percent of those miles were unfit for use by fish and wildlife, 28 percent were unfit for human recreation, 18 percent were unfit for use as a public water supply, and 10 percent were unfit for agricultural use.

ASCE recommends an appropriation of $2 billion for the Clean Water State Revolving Loan Fund (SRF) and an appropriation of $1.5 billion for the Safe Drinking Water Act SRF in FY 2014.

B. **UNITED STATES GEOLOGICAL SURVEY**

Established in 1879, the U.S. Geological Survey (USGS) is one of the nation's premier science agencies. It produces the scientific data essential for the protection of the quality of economically vital water resources, for the prediction of earthquakes and volcanoes, for the cataloging of America's vast biological resources and for dozens of other critically important technical needs.

The president's FY 2014 budget request for the USGS is $1.167 billion, an increase of $98.8 million above the 2012 enacted level, which was extended in the continuing resolution for FY 2013.

The FY 2014 request includes $223 million for the agency's water programs, including an increase of $7.2 million to fund more than 400 stream gages that would enhance the ability to monitor high-priority sites sensitive to drought, flooding, and potential climate change effects.

The budget also proposes to spend $142 million for the agency's natural hazards programs that assess the nation's exposure to earthquakes, volcanoes, floods, wildfires, and other natural disasters. This is an increase of $9 million over the FY 2013 funding in the continuing resolution.

A key function of this program is the Natural Hazards Mission Area, which is responsible for coordinating USGS responses following disasters and overseeing the agency's emergency management activities. It coordinates long-term planning across the hazards science portfolio, including activities funded through many other programs, including floods, hurricanes and severe storms, and wildfires.

Core science programs at the USGS would be funded at $136 million, an increase of $21 million over FY 2013. This important program includes the National Cooperative Geologic Mapping Program, which produces geologic maps and 3-D geologic frameworks to understand natural earth surface processes and groundwater availability and quality, supporting federal land management decisions, mitigating hazards, assisting in ecological and climatic monitoring and modeling, and understanding onshore-offshore sediment processes.

To support these critical science programs, ASCE requests that the committee appropriate the full amount of the president's FY 2014 budget proposal.

<u>ASCE recommends an appropriation of $1.167 billion for the USGS in FY 2014.</u>

American Fisheries Society

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John Boreman
President 2012-2013

Gus Rassam
Executive Director

April 16, 2013

Director Dan Ashe
U.S. Fish and Wildlife Service
Main Interior Building
1849 C Street NW
Room 3331
Washington, D.C. 20240-0001

Dear Director Ashe:

The American Fisheries Society (AFS) would like to express our concern over language in the FY 2014 President's Budget that proposes a $400,000 reduction in funding for the U.S. Fish and Wildlife Service (USFWS) Aquatic Animal Drug Approval Partnership (AADAP) program.

Our Nation's fisheries and aquatic resources have significant economic, ecological, and cultural value to all Americans. Commercial fishing supports approximately 1 million full- and part-time jobs and generates more than $100 billion in sales impacts[1]. More than 33 million Americans fish recreationally[2], and saltwater angling alone generates an additional $73 billion in economic impact and supports over 327,000 more jobs[1]. On behalf of the 9000+ AFS members, we support programs like AADAP that work to conserve our Nation's fisheries and aquatic resources.

Many fisheries activities require the use of drugs including therapeutants needed to maintain health and fitness of hatchery fish, as well as sedatives and marking agents that facilitate field-based monitoring and research. As described in a recent AFS Policy Statement (attached), the absence of suitable drugs, "jeopardizes fishes, fisheries, fish culture, research, and poses considerable risk to those involved in these activities." Without access to these compounds, the ability of fisheries professionals to deliver on conservation commitments to the American public is constrained. Legal liabilities related to the use of unapproved drugs in fisheries and aquatic resource conservation are also a concern.

Leveraging partnerships with federal, state, tribal, academic, and private entities, AADAP leads a coordinated national effort to secure aquatic animal drug approvals from the U.S. Food and Drug Administration and provide partners with access to critically needed drugs and information about their legal and judicious use. USFWS leadership is critical because the Service itself is a major end-user of aquatic animal drugs, the need for safe and effective drugs is nationwide, and economic incentives are insufficient to encourage drug sponsors to pursue aquatic animal drug approvals in the United States.

1 NMFS NOAA. 2009. Fisheries economics of the U.S. Available at: http://www.st.nmfs.noaa.gov/st5/publication/fisheries_economics_2009.html.
2 USFWS. 2011. National survey of fishing, hunting, and wildlife-associated recreation. Available at: http://www.census.gov/prod/2012pubs/fhw11-nat.pdf.

We recognize that difficult decisions must be made in light of the current Federal budget crisis and Sequestration. We contend that the proposed cuts to the AADAP program would eliminate vital elements of a program that serves the USFWS, its partners, and fisheries and aquatic resources in essential and unduplicated ways. We encourage the USFWS to fully support the AADAP program, restore its funding, and ensure the current and future needs of fisheries professionals are met. Thank you for your consideration of our view.

Sincerely and respectfully,

Gus Rassam, PhD
Executive Director, American Fisheries Society (AFS)

Cc: Jeff Underwood (Acting Assistant Director, Fisheries and Habitat Conservation)
Mike Weimer (Chief, Division of Fisheries and Aquatic Resource Conservation)

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TESTIMONY

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2014

Submitted by Nancy Blaney, Senior Policy Advisor, Animal Welfare Institute
April 25, 2013

On behalf of the Animal Welfare Institute, I want to thank Chairman Simpson, Ranking Member Moran, and the distinguished Members of the subcommittee for this opportunity to submit testimony regarding funding for the activities of the various agencies involved in White-Nose Syndrome research and management, as well as for other programs of the U.S. Fish and Wildlife Service, U.S. Geological Survey, U.S. Forest Service, Bureau of Land Management, and National Park Service.

White-Nose Syndrome

$1.5 million (President's budget) **U.S. Fish and Wildlife Service (Science Support program increase)**
Purpose: Research to address and mitigate White-Nose Syndrome (WNS) in bats.

$1.505 million (President's budget) **U.S. Geological Survey (Ecosystems/Wildlife Program increase)**
Purpose: Research to combat WNS in bats.

$3 million (President's budget) **National Park Service (Park Operations/Resource Stewardship program increase)**
Purpose: Research, inventory, monitoring, management, and public education related to WNS; preserve important cave habitats and bat populations.

$750,000 **U.S. Forest Service/Research and Development**
Purpose: Research to combat WNS, allowing the agency to continue progress made pursuant to Congress's FY12 direction.

$250,000 **U.S. Forest Service/Forest Systems**
Purpose: Inventory, monitoring, and management related to WNS, allowing the agency to continue progress made pursuant to Congress's FY12 direction.

$500,000 **Bureau of Land Management**
Purpose: Inventory, monitoring, and management related to WNS, allowing the agency to continue progress made pursuant to Congress's FY12 direction.

Capitalizing on the investments and progress already made, these funds would support the agencies' programs addressing White-Nose Syndrome (WNS), a disease caused by the *Geomyces destructans* (*Gd*) fungus that is decimating U.S. bat populations. So far, nine species, including the endangered Indiana and gray bats, have been affected by WNS or the *Gd* fungus; 25 of the 47 bat species in the U.S. are ultimately at risk. The U.S. Fish and Wildlife Service estimates that WNS, now present in 22 states, has killed at least 5.7 million bats since its outbreak in 2006. Losses are so severe that FWS is reviewing three of the impacted species for possible listing under the Endangered Species Act.

The loss of bats from WNS could have serious implications for our economy and environment. Bats are primary predators of night-flying insects, including agricultural pests that attack corn, soybeans, cotton, and other crops. By eating these pests, bats reduce the need for pesticides, lower food production costs, and save farmers at least $3.7 billion a year. Bats also perform ecological services for 66 plant species that produce timber.

The federal government and its state, local, tribal, and nonprofit partners have responded admirably to the WNS crisis. Their research has unlocked much of the disease's basic biology and informed initial management decisions. Now, federal agencies are poised to apply this knowledge to more advanced questions, such as environmental factors' effects on WNS, the feasibility of pharmaceutical interventions, and the possibility of silencing *Gd*'s harmful genes. In a particularly exciting recent advance, Forest Service researchers developed a more sensitive DNA test for *Gd*, allowing them to identify the presence of the fungus before disease appears, presenting the opportunity to use gene silencing as a means for controlling the fungus.

The potential these research findings present cannot be realized without funding. Moreover, besides dealing with the disease itself, the effort to save bats has expanded to include protecting the few fragile WNS survivors, understanding the factors that helped them to survive, and finding ways to regenerate their populations. Failing to adequately fund WNS in Fiscal Year 2014 will stall our hard-won progress toward understanding this epidemic, jeopardize the application of science to management, and undermine the impact of private funds leveraged to combat WNS.

Recognizing the gravity of the crisis facing our bat populations, we appreciate that Congress has responded by continuing to support the agencies' work. We recognize the increasingly difficult budget situation Congress faces but urge you to provide funding at the levels noted above; we cannot afford to lose ground in our efforts to protect the nation's cave-dwelling bats.

Fish and Wildlife Service Office of Law Enforcement

The Administration's FY14 budget proposes a moderate increase in funding to the FWS Office of Law Enforcement (OLE), one of the most important lines of defense for America's wildlife. Currently, OLE is tasked with enforcing and implementing over a dozen federal wildlife and conservation laws that frequently impact both domestic and global security. Year after year, OLE protects the public against the illegal trade in wildlife and wildlife products--which is third only to the illicit trade in narcotics and weapons in terms of revenue generated globally—and the U.S. remains a source of, or destination for, much of this contraband. Even those who may not concern themselves with wildlife are reaping benefits as OLE protects against smuggling illegal substances and helps to thwart potentially devastating human health threats. It is critical that OLE receive adequate funding to fulfill its mission.

Accordingly, AWI requests an allocation of $71.275 million for the Office of Law Enforcement, an increase of $8.297 million over the FY12 enacted budget. This reflects the President's proposed increase of $5.297 million plus an additional $3.0 million for facilities development at the National Fish and Wildlife Forensics Laboratory, which will improve and expand the activities of OLE in its critical role of combating wildlife crime.

The National Fish and Wildlife Forensics Laboratory

The successful outcomes of enforcement cases would not be possible without the essential work of the National Fish and Wildlife Forensics Laboratory (NFWFL), used by FWS agents and inspectors to gather hard evidence in wildlife crime cases. The lab uses state-of-the-art science, along with years of institutional knowledge, to identify wildlife products by species, determine the cause of death, and make other findings critical to a successful legal case. All 50 states and the 175 Convention for International Trade in Endangered Species (CITES) member countries depend on this facility to prosecute wildlife crimes.

It is heartening that $1.297 million of the proposed $5.297 million increase to OLE's budget will be allocated to advancing research involving genetic markers and isotope analysis. This research will ultimately improve investigators' ability to determine the geographic origin of animals and animal parts. However, in addition to the increased research funding, additional support for facilities development is needed. In order to continue advancing its invaluable work, the NFWFL must construct a comparison standards warehouse. This facility will be used to store and maintain the laboratory's more than 40,000 DNA samples from around the world. We request that an additional $3.0 million be allocated to the establishment of this facility to support and expedite its construction.

Fish and Wildlife Service Special Agents and Wildlife Inspectors

The Fish and Wildlife Service Special Agents and Wildlife Inspectors who enforce U.S. wildlife laws play a critical role in protecting our nation's wildlife. Special Agents aid in the reduction of illegal trade in wildlife and wildlife products, which continues to imperil species in the U.S. and around the world. Wildlife Inspectors play a similarly valuable role, minimizing illegal contraband shipments, uncovering smuggled goods and illegal trade rings at the border, and thwarting national and global health risks by shielding the American public from the disease and safety risks associated with importing non-native species.

In FY12, FWS Special Agents pursued 12,996 investigations resulting in over $10 million in fines and penalties, 56.9 years of jail time for the perpetrators, and 550.5 years of probation.[1] In the same year, FWS Wildlife Inspectors processed approximately 186,000 declared shipments of wildlife products worth over $4.4 billion.[2] This impressive records merits proper funding and staffing adequate to fulfill OLE's mission. In FY12, OLE employed just 219 Special Agents and 143 Wildlife Inspectors. We support the President's proposed increase of $3.0 million (of the total $5.297 million requested increase) to be allocated toward hiring special agents to investigate international wildlife trafficking and to support direct partnerships with foreign governments to coordinate training and monitoring efforts.

[1] U.S. Fish and Wildlife Service Office of Law Enforcement, Law Enforcement at a Glance (2013).
[2] *Id.*

Wild Free-Roaming Horses and Burros Act

The wild horse is as much a symbol of American heritage as the image of Uncle Sam and baseball. Currently, America's wild horses are subjected to mistreatment by the Bureau of Land Management (BLM), which uses a significant portion of its budget to round up and warehouse wild horses and burros without credible evidence supporting the need for such removals. Furthermore, since 2004, wild horses have been at risk of being sold to killer-buyers who make a profit by sending horses to slaughter for human consumption—in fact, in recent years, hundreds of wild horses were sold to at least one known killer-buyer.

In 1971, Congress acted on behalf of these wild animals to protect their natural habitat and lifestyle. It is now time for Congress to act again to ensure these animals are neither sent into long-term holding facilities nor sentenced to slaughter. BLM's proposed budget includes a program increase of $2.0 million for Wild Horse and Burro Management. These funds are to be used "for new and existing applied research towards the development of tools intended to improve wild horse and burro management and rangeland health," including research that will "focus on developing more effective and longer lasting fertility control agents and techniques for suppressing population growth...."[3] AWI supports these efforts and requests that any increase in appropriations under the Wild Free-Roaming Horses and Burros Act be used solely for implementation of humane, on-the-range management methods such as immunocontraception, and not unnecessary roundup.

Finally, AWI strongly supports the inclusion of this "no-kill" language to ensure that BLM does not kill healthy wild horses and burros:

> *"Provided, that appropriations herein made shall not be available for the sale or destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors."*

National Park Service Lethal Management of Native Wildlife

In recent years, the National Park Service (NPS) has significantly expanded its lethal control of native ungulates in contravention of its own legal mandates. During this time, the NPS has initiated lethal control of ungulates in a number of national parks (e.g., Valley Forge, Catoctin, Indiana Dunes, and Rock Creek) and is considering similar efforts in other parks. In each case, the NPS has misapplied its own statutes and policies and has failed to provide any credible site-specific data to justify its heavy-handed strategies. Though even the NPS concedes that ungulates are keystone herbivores, it is unwilling to allow ungulates to naturally influence ecosystem structure and function as its own statutes and policies require. Therefore, AWI requests that the following language, which would save taxpayer dollars, be included in the House Interior Appropriations bill:

> *No funds appropriated under this legislation shall be expended by the National Park Service to lethally control or kill native ungulates nor shall the National Park Service permit any entity, public or private, to kill said ungulates.*

[3] U.S. Department of the Interior Bureau of Land Management, Budget Justifications and Performance Information: Fiscal Year 2014 (2013).

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Robert J. Clark, President/CEO (rclark@bbahc.org)

Testimony submitted to the House and the Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2014 Indian Health Service Budget

April 15, 2013

The requests of the Bristol Bay Area Health Corporation for the FY 2014 Indian Health Service (IHS) budget are as follows:

- Allocate an additional $7.8 million to the IHS to fully fund Village Built Clinic (VBC) leases, and direct the IHS to use its FY 2014 appropriations to fully fund the VBC leases in accordance with Section 804 of the Indian Health Care Improvement Act.

- Appropriate adequate funds for the IHS to fully pay all Contract Support Costs (CSC) without shortfall. Based on the limited information available to us, we estimate this would take $617 million for FY 2014. We also ask that the Committees direct the IHS to immediately release the outstanding data on CSC shortfall for FYs 2011 and 2012.

- Exempt the IHS from any future sequestration, as Congress has done for the Veterans Health Administration programs.

* * *

The Bristol Bay Area Health Corporation (BBAHC) was created in 1973 to provide health care services to Alaska Natives of Southwest Alaska. BBAHC began operating and managing the Kanakanak Hospital and the Bristol Bay Service Unit for the IHS in 1980, and was the first tribal organization to do so under the Indian Self-Determination and Education Assistance Act (ISDEAA). BBAHC is a co-signer to the Alaska Tribal Health Compact with the IHS under the ISDEAA and is now responsible for providing and promoting health care to the people of 34 Alaska Native Villages.

Fully Fund Village Built Clinic Leases. BBAHC previously submitted joint testimony to the Committees in March 2012, along with the Norton Sound Health Corporation and the Aleutian Pribilof Islands Association, outlining our concerns about the IHS's chronic underfunding of Village Built Clinic (VBC) leases. These concerns continue today.

The IHS's decision to continue underfunding the VBCs has jeopardized the provision of basic health care services to Alaska Natives in their villages. The VBCs are essential for maintaining the IHS Community Health Aide Program (CHAP) in Alaska, which provides the only local source of health care for many Alaska Native people in rural areas. The CHAP program is mandated by Congress as the instrument for providing basic health services in remote Alaska Native villages. The CHAP program involves a network of health aides/practitioners who provide primary health care services and coordinate patient care through referral relationships with midlevel providers, physicians, and regional hospitals. The CHAP cannot operate without the use of clinic facilities.

We believe the IHS has a legal obligation to maintain the VBCs in good repair. Under the Indian Health Care Improvement Act (IHCIA) amendments of 1992, Congress required the IHS to "maintain" the CHAP, and in the recent reauthorization of the Act, Congress requires the IHS to "develop and operate" the CHAP for Alaska health care. 25 U.S.C. § 1616*l*(a)(2). IHS cannot fulfill these statutory responsibilities without keeping the VBCs in good working order through maintenance and repair.

The IHS has nevertheless, for many years, consistently under-funded the leases of VBCs even though the IHS has had available appropriations to fully fund the leases. IHS has made a policy decision to use "full-service" leases, which shift the cost of operation and maintenance of the VBCs to the villages, even though the IHS has direct leasing authority under the IHCIA and the ISDEAA. Lease rental amounts for the VBCs have failed to keep pace with costs –the majority of the leases for VBCs have not increased since 1989. The IHS has chosen to shift its statutory responsibilities onto the villages and tribal health corporations, like BBAHC, which do not have adequate financial resources to maintain and upgrade the VBCs for CHAP staff. As a result, some villages in our region have been left without an adequate health care facility and have even had to close the doors of their VBCs.

As we indicated in our joint testimony to the Committees last year, BBAHC and many other tribal organizations in Alaska have discussed this issue with the IHS on several occasions, and have proposed solutions that the IHS continues to ignore. IHS continues to assert that it provides for VBC leases all of the funds that Congress has appropriated for the program. In our view, the amounts historically traceable to the VBC leases are not capped by statute and are not the only funds available for that program. The Indian Health Facilities appropriation is a lump-sum appropriation that can be used for construction, repair, maintenance, improvements and equipment, and includes a sub-activity for maintenance and improvement of IHS facilities. The VBCs are IHS facilities acquired by lease in lieu of construction and should thus be eligible for maintenance and improvement funding. The IHS can also access other IHS discretionary funds to fully fund its VBC obligations.

For the 2014 appropriations, we thus request that at least an additional $7.8 million be included in the appropriation specifically for the purpose of fully funding all VBC leases in 2014. We also ask that Congress direct the IHS to use existing FY 2014 appropriations to fully fund the VBC leases in accordance with Section 804 of the Indian Health Care Improvement Act.

Adequate Appropriations Are Needed To Fully Fund Contract Support Costs (CSC); IHS Should Be Directed To Release CSC Shortfall Data. While Congress has in the past appropriated additional funding for CSC owed to tribes and tribal organizations under the ISDEAA and federal case law, which BBAHC greatly appreciated, those additional appropriated funds unfortunately are not enough to eliminate the ongoing shortfall of CSC. As a result, BBAHC continues to endure significant financial hardships that translate into less health care for its patients. We urge the Committees to continue to push for full funding of CSC so that CSC underfunding is finally resolved. While it is difficult to estimate the full CSC need for FY 2014—in part because IHS refuses to release its CSC distribution data for the last two years, as discussed further below—based on projections from FY 2010 we estimate that the total need in FY 2014 is $617 million.

Full CSC funding would allow the IHS to resolve the inherent dilemma placed on the IHS by the appropriations "caps," which Congress has for years placed on the amount of CSC the IHS can pay for aggregate CSC. However, Section 106(a)(2) of the ISDEAA requires full payment of CSC, notwithstanding the appropriations "cap." The effect of the "cap" does not limit what the IHS must pay individual tribes and tribal organizations for CSC under their ISDEAA contracts and compacts. *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181 (2012). In the *Ramah* decision, the United States Supreme Court recognizes that the ISDEAA requires payment of full CSC to all contractors, yet in every year at issue Congress failed to appropriate enough for the agencies to do so. We ask that the Committee appropriate enough CSC to eliminate underfunding.

Unfortunately, some in the Administration appear to view the *Ramah* decision not as a call for full CSC funding but as a roadmap for shortchanging tribes and leaving them no legal recourse. We found it surprising that the President's FY 2014 budget, released on April 10, proposed only a minimal increase for IHS CSC to $477,205,000. This would force tribes to absorb almost $140 million in uncompensated costs for overhead and administration of federal programs. Just as bad, the Administration's proposed appropriations act language attempts to preclude tribes from recovering any of their CSC shortfalls through contract actions, which the Supreme Court in *Ramah* said is currently their right. The bill language would incorporate by reference a table identifying the maximum amount of CSC available for every single ISDEAA agreement. We urge that the Committee reject this proposed approach and, instead, fully fund CSC for both IHS and BIA.

Finally, we would very much like to see the CSC shortfall data for FYs 2011 and 2012, but the IHS has to date failed to provide that data to tribes and tribal organizations. IHS is required to submit CSC shortfall reports to Congress no later than May 15 of each year by Section 106(c) of the ISDEAA, 25 U.S.C. § 450j-1(c). BBAHC and other co-signers to the Alaska Tribal Health Compact, under Title V of the ISDEAA, recently asked the IHS to share the CSC distribution data for those years with all of the co-signers. Access to the CSC shortfall data, if not the reports themselves, is critical to our ability to understand the IHS's view of the scope of CSC underfunding, to evaluate IHS's allocation of its insufficient past CSC appropriations, and to pursue full CSC funding moving forward. The IHS has to date refused to make the reports available, and again refused as recently as the co-signers' meeting with the IHS

Area Lead Negotiator for the Alaska Area of IHS in March, 2013. We thus ask that the Committees direct the IHS to immediately release the CSC shortfall data for FYs 2011 and 2012.

Sequestration. The Office of Management and Budget determined that the IHS's discretionary appropriation is fully sequestrable, which resulted in a $220 million cut in funding to the IHS for FY 2013 – roughly 5% of the IHS's overall budget.. IHS lost $195 million for programs like hospitals and health clinics services, contract health services, dental services, mental health and alcohol and substance abuse. Impacts are also felt on programs and projects necessary for maintenance and improvement of health facilities. These negative effects are then passed down to every ISDEAA contractor, including BBAHC. BBAHC is already significantly underfunded, resulting in further cuts to the availability of health services we are able to provide to our patients, resulting in real consequences for individuals who have to forego needed care.

We are suffering these reductions and experiencing these new challenges to providing health care for the people of the BBAHC region, despite the United States' trust responsibility for the health of Alaska Native and American Indian people. We cannot understand why this responsibility was taken less seriously than the Nation's promises to provide health to our veterans. The Veterans Health Administration (VA) was made fully exempt from the sequester for all programs administered by the VA. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). Also exempt are state Medicaid grants and Medicare payments are held harmless except for a 2% reduction for administration of the program. We thus strongly urge the Committee to support amendment of the BBEDCA to fully exempt the IHS from any future sequestration, just as the VA's and other health programs are exempt.

* * *

Thank you for your consideration of our requests to address the chronic underfunding of VBCs and CSC and to fully exempt IHS funds from any future budget sequestration. We will be glad to provide any additional information the Committees may request.

BACK COUNTRY HORSEMEN OF WASHINGTON
110 W. 6th Ave. PMB 393
Ellensburg, WA 98926

DATE: April 22, 2013

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Submitted by Robert Gish, President, Back Country Horsemen of Washington

RE: FY 2014 Interior and USFS Appropriations Bill

The Back Country Horsemen of Washington are pack and saddle stock users who ride on our nation's public lands in the traditions that date back to the founders of our public agencies. Part of our purpose is to provide assistance to the agencies in the form of volunteerism in order to maintain our public lands' trails systems. We are a support group, and while we are very proud of our partnership with the agencies, particularly the US Forest Service, we are also dismayed that they struggle with inadequate resources to even start to address backlog trail and road maintenance. Furthermore we find that our own ability to assist as volunteers is often limited, not by the enthusiasm of our membership, but by the inability of the agencies to fund the planning work and issue approvals necessary to accomplish some of the work we stand prepared to do. Finally, we find that as the agencies turn to grant sources to fund everything from law enforcement to basic maintenance, we all find ourselves competing over shrinking pots of money. There does not seem to be a light at the end of the tunnel. What we now deal with are not just failed trails, blocked trails, and washed out roads that seem to take forever to even get approvals to repair, but we are also seeing a loss of quality of public lands recreation due to insect infestation and fire, as well as an increased danger to personal safety from lack of sight distance driving on forest roads where the brush has turned two lane roads into one.

We therefore ask that for the National Forest trail system, the House fund the USFS at 85 million dollars for FY 2014 for their Capital Improvement and Maintenance (CIM) Trails projects and 237 million for CIM Roads. We also ask for 285 million for the USFS Recreation, Heritage & Wilderness allocation and 46 million for their Land Management Planning. Let's fix our roads and trails so they can be used.

We would like our National Scenic Trails to receive sustained funding, and particularly we ask for $1 million for the Pacific Northwest National Scenic Trail. This trail has not yet been given a meaningful appropriation to complete even its comprehensive plan. Volunteers have been at this for three decades trying to make this trail a reality. While it did get brought into the National Scenic Trail system by Senator Maria Cantwell and Representative Norm Dicks, little congressional investment has been made since to make this trail a known entity in the northwestern states.

To help our national scenic trails get completed, please reauthorize the Federal Lands Transaction Facilitation Act (FLTFA). This is a "land for land" program that sells federal

lands in order to acquire more strategic parcels. This is similar to transactions between state and private entities in Washington State.

With respect to the Legacy Roads and Trails (LRT) allocation, we feel this is an important fund but that the "trails" part of it is often well overlooked except when discussing the intent of the program. We ask that this fund be genuinely used equally to repair roads, repair trails, and decommission truly unstable and unneeded roads. We ask that LRT be funded at 90 million dollars, and that a third of this fund go to trail stabilization, trail infrastructure repair, and trailhead enhancements.

We would like Secure Rural Schools to be reauthorized so there remains available revenue for Title II grants that so benefit our rural counties and our National Forests. These revenues fix campgrounds and trailheads, repair roads, replace culverts, and manage invasive weeds.

Our candid viewpoint on Department of Interior agencies is that there has been a trending over years for these departments to limit public access to their lands beyond the visitors' centers. It is our feeling that DOI is losing touch with many residents in western states. If alive today, Teddy Roosevelt, who started the National Refuge system, would no longer be able to ride his horse on most of them. The same is true for John Muir with regards to National Parks. The Refuge system now has an Appropriate Use Policy, and apparently rural residents aren't appropriate users. We do look forward to working with Interior Secretary Sally Jewell in the hopes that America's Great Outdoors once again are for all Americans. From past experience with Ms Jewell, she exemplified the ability to reach out to everyone here in Washington State. We are optimistic that she will bring this unifying approach to the other Washington.

With the Federal Lands Recreation Enhancement Act (FLREA) set to expire, fees will be an important topic in Congress, in the agencies, and among the user groups. When considering the reauthorization of FLREA, please include all user groups in the discussions including the Back Country Horsemen. Following FLREA reauthorization will be changes to the Land and Water Conservation Fund (LWCF) legislative policies. Once again, we ask that we be allowed input in these discussions.

Thank you for this opportunity to present some of our views,

Robert Gish

Robert Gish, President
Back Country Horsemen of Washington

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

Testimony of Andrew Walker,
Executive Director, Bat Conservation International,
regarding Fiscal Year 2014 funding to fight the bat disease White-nose Syndrome

Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, thank you for the opportunity to submit testimony. Bat Conservation International (BCI) is a nonprofit organization that conducts and supports science-based research, education, and conservation to ensure that bats will still be helping to maintain healthy environments and human economies far into the future. We respectfully request $7,505,000 in Fiscal Year (FY) 2014 funding to address White-nose Syndrome (WNS), a disease that is decimating North American bats. The agencies in question are the U.S. Fish and Wildlife Service, U.S. Geological Survey, National Park Service, Bureau of Land Management, and U.S. Forest Service.

WNS poses the gravest threat ever faced by American bats. Since its discovery in 2006, the disease has killed at least 5.7 million bats. It is named for the previously unknown, cold-loving white fungus, called *Geomyces destructans* (*Gd*), that is found on the faces and wings of infected bats and causes the disease. WNS-infected bats awaken frequently during hibernation, burning the fat reserves they need to survive the winter. They often emerge early from hibernation, before the return of warm weather and insects, only to freeze or starve to death outside their caves. The disease or its fungus has spread to 24 states and five Canadian provinces in the seven years since WNS was first reported in a cave near Albany, New York. The northeastern United States has borne the brunt of WNS so far, but the disease or *Gd* has spread as far south as Alabama and Georgia. It also has spread as far west as Oklahoma – a location closer to the Pacific Ocean than to the site where WNS was first found.

Biologists consider the WNS die-off to be North America's most precipitous wildlife decline in the past century. The disease strikes hibernating bats – those that sleep through the winter in caves and mines – and has affected every hibernating bat species in its geographic path. Of the nation's 47 bat species, 25 hibernate and are considered at risk. WNS or *Gd* currently affects nine species, including the Federally endangered Indiana and gray bats, which are at increased risk of extinction as a result. Some WNS-infected sites experience mortality rates of almost 100%. Losses are so severe that researchers are predicting regional extinctions of the little brown bat – previously one of America's most common mammals – within 14 years.

Bats provide many benefits to humankind. As primary predators of night-flying insects, bats are critical to maintaining the balance of nature. A bat can eat more than half its body weight in insects each night, consuming vast numbers of pests that damage crops such as corn, cotton, and soybeans. A study published in 2011 in the journal *Science* estimates that the value of bats to the U.S. agriculture industry is $22.9 billion per year. Bats also eat insects that damage forests and spread disease. Some bat species pollinate crops and disperse seeds. Research of bat biology has yielded important chemical products, including a medication to prevent strokes. Bat droppings in caves support unique ecosystems, including microorganisms that could be used in detoxifying industrial wastes and producing safer pesticides and antibiotics.

The loss of bats would have serious ecological and economic consequences. With millions of bats dead from WNS, their would-be prey insects are surviving to attack crops and forests. The *Science* article argues that, as a result of WNS, North American agriculture will begin noting economic losses within a few years, with especially significant impacts to the Midwest and Great Plains. In addition to crop losses, more pesticides will be required, increasing the financial strain on farming families, raising the price of food for consumers, and releasing more chemicals into our environment. Bats are important predators, so their disappearance could have broad, ripple effects on the environment that we cannot yet assess.

Population declines from WNS could lead to listing more bat species under the Federal Endangered Species Act, as well as state-level statutes, with far-ranging economic costs. Because of WNS, the Fish and Wildlife Service is conducting status assessments of the little brown bat, northern long-eared bat, and eastern small-footed bat. At the state level, Ohio and Wisconsin have each listed four bat species, Vermont has listed three, and other states are considering designations. Bat species affected by WNS have broad geographic distributions and complex ecological patterns, which would likely require high recovery costs. Finally, regulations stemming from listing more bat species could have economic impacts on industries such as infrastructure, energy, forestry, mining, defense, tourism, and outdoor recreation.

BCI appreciates the commitment Congress has demonstrated toward fighting WNS. In FY 2010, Congress appropriated $1.9 million in WNS-related funds to FWS. In the FY 2012 spending package, Congress directed FWS to spend no less than $4 million on WNS, and directed BLM and USFS to prioritize WNS activities. We thank Congress for recognizing not only the gravity of WNS, but also the institutional and geographic scope of the response that is needed to fight the disease. The Federal government – in conjunction with partners in State, Local, and Tribal agencies, academic institutions, and nonprofits – has mounted an admirable response to the disease within the framework of the National Plan for Assisting States, Federal Agencies, and Tribes in Managing White Nose Syndrome in Bats (National Plan).

The increases for WNS requested in the President's FY 2013 budget will enable Federal agencies to capitalize on, and add to, the hard-won progress they have made against WNS. Researchers have answered many of the basic science questions about this previously unknown disease. They are ready to apply this knowledge to management and conservation measures. Failing to fund WNS this year will negate the accomplishments of Federal agencies and their partners in the fight against this devastating epidemic.

BCI therefore supports the requests for WNS funding in the President's FY 2014 budget, and we urge the Subcommittee to maintain them. If the Subcommittee can invest more in fighting WNS to protect bats and their valuable contributions to the economy, agriculture, and the environment, we suggest the following outlays:

U.S. Fish & Wildlife Service: $1,500,000

We ask the Subcommittee to maintain the $1.5 million request for WNS in the President's FY 2014 budget.

This will fund:
- Research: Identify priorities for applied research to help combat WNS and manage its spread, and fund projects that support these goals.
- State support: Provide funding for state wildlife agencies to conduct disease surveillance, monitor bat populations, implement conservation measures, and conduct research.

U.S. Geological Survey: $1,505,000

We ask the Subcommittee to maintain the $1.505 million request for WNS in the President's FY 2014 budget.

This will support research on topics such as:
- The role of environmental factors in WNS development.
- Non-bat models for studying WNS in the lab, to preclude the taking of sensitive species.
- Differences between *Gd* and related, non-pathogenic fungi to identify harmful genes that could possibly be silenced.

These activities support the goals of the following National Plan working groups:
- Diagnostics
- Disease Management
- Epidemiological and Ecological Research
- Disease Surveillance
- Conservation and Recovery

National Park Service: $3,000,000

We ask the Subcommittee to maintain the $3 million request for WNS in the President's FY 2014 budget.

This will fund:
- On-the-ground disease surveillance.
- Inventory of bat resources.
- Participation in research to help fight the disease.
- Visitor decontamination and monitoring visitor flow at cave sites, as needed.
- Managing habitat to increase bat survival.
- Public education about WNS.

These activities support the goals of the following National Plan working groups:
- Disease Management
- Conservation and Recovery
- Communications and Outreach

Bureau of Land Management: $500,000

Thanks to Congress's FY 2012 directive for the Bureau of Land Management to "prioritize research related to White Nose Syndrome in bats and the inventory and monitoring of bat resources on Bureau-administered lands," the agency increased money spent on WNS activities by nearly 250 percent from FY 2011.

These activities included:
- Monitoring of disease presence or absence.
- Inventory of bat, cave, and mine resources.
- Participation in research to help fight the disease.

We ask the Subcommittee to provide $500,000 so BLM can continue these WNS efforts, in support of the goals of the National Plan Disease Management Working Group.

U.S. Forest Service: $1,000,000

As a result of Congress's FY 2012 directive for the Forest Service to "prioritize research related to White Nose Syndrome as well as inventory and monitoring of bat resources on Forest Service lands," the agency developed a WNS science strategy, and expanded WNS activities on its lands.

So that USFS can continue these efforts, we ask the Subcommittee to provide $1,000,000: $750,000 for Research and Development and $250,000 for the National Forest System.

This will fund:
- Research on topics such as:
    - Enhancing environmental conditions for bat survival in the face of WNS.
    - Possible biological controls for WNS.
    - Ways to measure the status and fitness of bat populations.
- Conducting visitor decontamination and monitoring visitor flow at cave sites, as needed.
- On-the-ground disease surveillance.
- Managing forest habitat to increase bat survival.

These activities support the goals of the following National Plan working groups:
- Disease Management
- Epidemiological and Ecological Research
- Conservation and Recovery

Money spent on WNS is a wise investment. Preventing WNS spread will spare businesses the regulatory and other impacts of massive bat die-offs. Implementing WNS response generates jobs. Finally, conducting WNS research, management, and prevention now will reduce future expenses to the U.S. economy from insect-related losses to agriculture and forestry and the cost of listed-species recovery. In this case, an ounce of prevention truly is worth a pound of cure.

Thank you for the opportunity to share BCI's position on this serious matter. We respectfully ask you to consider our urgent request.

Statement of

ESTEVAN R. LOPEZ, DIRECTOR
NEW MEXICO INTERSTATE STREAM COMMISSION

to the

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

in support of

FY 2014 Appropriations for BUREAU OF LAND MANAGEMENT activities
to benefit COLORADO RIVER BASIN SALINITY CONTROL,
DEPARTMENT OF INTERIOR

APRIL 25, 2013

SUMMARY

This Statement is submitted in support of Fiscal Year 2014 appropriations for Colorado River Basin salinity control activities of the Bureau of Land Management. I urge that at least $5,200,000 be appropriated for the Bureau of Land Management within the Soil, Water, and Air Program for general water quality improvement efforts in the Colorado River Basin, and an additional $1,500,000 be appropriated specifically for salinity control related projects and studies.

STATEMENT

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective governors of the states. The Forum has examined the features needed to control the salinity of the Colorado River. These include activities by the states, the Bureau of Reclamation, the Department of Agriculture, and the Bureau of Land Management (BLM). The Salinity Control Program has been adopted by the seven Colorado River Basin States and approved by the Environmental Protection Agency as a part of each state's water quality standards.

About 75 percent of the land in the Colorado River Basin is owned, administered or held in trust by the federal government. The BLM is the largest land manager in the Colorado River Basin, and manages public lands that are heavily laden with naturally occurring salt. When salt-laden soils erode, the salts dissolve and enter the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico.

I support past federal legislation that declared that the federal government has a

major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. The BLM's rangeland improvement programs are some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from Colorado River salinity to United States water users are about $376 million per year. Modeling by Reclamation indicates that these quantified damages would increase to $577 million per year by 2030 if the Salinity Control Program was not continued. Unquantified damages already increase the total damages significantly.

Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that the BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects that will help avoid unnecessary damages in the United States and Mexico.

At the urging of the Basin States, the BLM has created a full time position to coordinate its activities among the BLM state offices and other federal agencies involved in implementation of the salinity control program. The BLM's Budget Justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the Bureau of Reclamation and the Department of Agriculture, and report salt retention measures to implement and maintain salinity control measures of the federal salinity control program in the Colorado River Basin. The BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended.

To continue these efforts, I request the appropriation of at least $5.2 million in FY 2014 for general water quality improvement efforts in the Colorado River Basin by the BLM within the Soil, Water, and Air Program, and that an additional $1.5 million be

appropriated specifically for salinity control related projects and studies. I appreciate consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Don Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

Estevan R. López, P.E.
Director, New Mexico Interstate Stream Commission

Staff Contact:
Paul Harms
New Mexico Interstate Stream Commission
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Testimony
David Modeer
General Manager
Central Arizona Project

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

Support for $5.2 million for general water quality and $1.5 million for salinity control in Fiscal Year 2014 Funding for the Colorado River Basin Salinity Control Program under the Bureau of Land Management (BLM)
April 25, 2013

On behalf of the Central Arizona Water Conservation District (CAWCD), I encourage you to include $5.2 million for general water quality improvement efforts within the Colorado River Basin and an additional $1.5 million for salinity specific projects in the Bureau of Land Management's (BLM) Soil, Water and Air Program in Fiscal Year 2014. This funding will help protect the water quality of the Colorado River that is used by approximately 40 million people for municipal and industrial purposes and used to irrigate approximately 4 million acres in the United States.

CAWCD manages the Central Arizona Project, a multi-purpose water resource development and management project that delivers Colorado River water into central and southern Arizona. The largest supplier of renewable water in Arizona, CAP diverts an average of over 1.6 million acre-feet of Arizona's 2.8 million acre-foot Colorado River entitlement each year to municipal and industrial users, agricultural irrigation districts, and Indian communities.

Our goal at CAP is to provide an affordable, reliable and sustainable supply of Colorado River water to a service area that includes more than 80 percent of Arizona's population.

These renewable water supplies are critical to Arizona's economy and to the economies of Native American communities throughout the state. Nearly 90% of economic activity in the State of Arizona occurs within CAP's service area. CAP also helps the State of Arizona meet its water management and regulatory objectives of reducing groundwater use and ensuring availability of groundwater as a supplemental water supply during future droughts. Achieving and maintaining these water management objectives is critical to the long-term sustainability of a state as arid as Arizona.

Negative Impacts of Concentrated Salts:

Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. Human activity, principally irrigation, adds to salt load of the Colorado River. Further, natural and human activities concentrate the dissolved salts in the River.

The U.S. Bureau of Reclamation (Reclamation) has estimated the current *quantifiable* damages at about $376 million per year to U.S. users with projections that damages would increase to more than five hundred million by 2030 if the program were not to continue. These damages include:

- a reduction in the yield of salt sensitive crops and increased water use to meet the leaching requirements in the agricultural sector,
- increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins.

Adequate funding for salinity control will prevent the water quality of the Colorado River from further degradation and avoid significant increases in economic damages to municipal, industrial and irrigation users.

History of the BLM Colorado River Basin Salinity Control Program

In implementing the Colorado River Basin Salinity Control Act of 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to users in the United States. This testimony deals specific with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM.

In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control

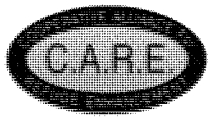
studies and to implement specific salinity control practices. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

The threat of salinity continues to be a concern in both the United States and Mexico. Most recently, on November 20, 2012, a five year agreement, known as Minute 319, was signed between the U.S. and Mexico to guide future management of the Colorado River. Among the key issues addressed in Minute 319 included an agreement to maintain current salinity management and existing salinity standards. The CAWCD and other key water providers are committed to meeting these goals.

Conclusion:

Implementation of salinity control practices through the BLM Program has proven to be a very cost effective method of controlling the salinity of the Colorado River. In fact, the salt load of the Colorado River has now been reduced by roughly 1.2 million tons annually, reducing salinity in the Lower Basin by more than 100 ppm. However, shortfalls in funding levels have led to inefficiencies in the implementation of the overall Program. Therefore, additional funding is required in 2014 to meet this goal and prevent further degradation of the quality of the Colorado River with a commensurate increase in downstream economic damages.

CAWCD urges the subcommittee to include $5.2 million for general water quality improvement efforts within the Colorado River Basin and an additional $1.5 million for salinity specific projects in the Bureau of Land Management's (BLM) Soil, Water and Air Program. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.



April 25, 2013

David Houghton, Chair
Cooperative Alliance for Refuge Enhancement
5335 Wisconsin Ave. NW, Suite 521
Washington, D.C. 20015

**TESTIMONY OF THE
COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT (CARE)
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
REGARDING FISCAL YEAR 2014 APPROPRIATIONS FOR THE
NATIONAL WILDLIFE REFUGE SYSTEM**

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2014 (FY 2014) Interior Appropriations bill. The National Wildlife Refuge System stands alone as the only land and water conservation system with a mission that prioritizes wildlife and habitat conservation and wildlife-dependent recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong congressional commitment for conserving these special places. Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests. We respectfully request a funding level of $499 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2014.

This testimony is submitted on behalf of CARE's 22 member organizations, which represent approximately 15 million Americans passionate about wildlife conservation and related recreational opportunities.

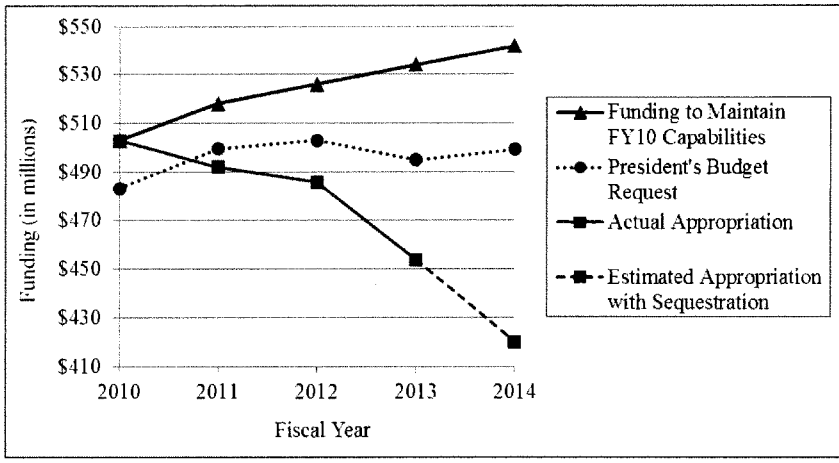
American Birding Association
American Fisheries Society
American Sportfishing Association
Association of Fish and Wildlife Agencies
Congressional Sportsmen's Foundation
Defenders of Wildlife
Ducks Unlimited, Inc.
Izaak Walton League of America
Marine Conservation Institute
National Audubon Society
National Rifle Association
National Wildlife Federation
National Wildlife Refuge Association
Safari Club International
The Corps Network
The Nature Conservancy
The Wilderness Society
The Wildlife Society
Trout Unlimited
U.S. Sportsmen's Alliance
Wildlife Forever
Wildlife Management Institute

The National Wildlife Refuge System, established by President Theodore Roosevelt in 1903, protects approximately 150 million acres on 561 national wildlife refuges and 38 wetland management districts across the U.S. From the Virgin Islands to Guam and the Pacific marine national monuments, the Refuge System spans 12 time zones and protects America's natural heritage in habitats ranging from arctic tundra to arid desert, boreal forest to sagebrush grassland, and prairie wetlands to coral reefs. With units in every state and territory, and within an hour's drive of most metropolitan areas, the Refuge System attracts a growing number of visitors each year (more than 47 million in FY12) with opportunities for hunting, fishing, wildlife observation, photography, kayaking, and outdoor education. Together, these visitors generate between $2.1 and $4.2 billion annually to local and regional economies – on average returning $4 to $8 in economic activity for every $1 appropriated – and support approximately 35,000 U.S. jobs. In addition, refuges also provide important environmental and health benefits, such as filtering storm water before it runs downstream to municipal water supplies and, in many areas, reducing flooding by capturing excess rainwater and attenuating coastal storm surges. According to a 2011 report by Southwick Associates, refuges generate more than $32.3 billion in these ecosystem services each year, a return of over $65 for every $1 appropriated by Congress.

CARE estimates that the Refuge System needs at least $900 million in annual operations and maintenance funding to properly carry out its conservation mission "for the benefit of present and future generations of Americans," as mandated by Congress through the bipartisan-supported National Wildlife Refuge System Improvement Act of 1997. That entails managing wildlife, restoring habitats, providing quality recreation programs, and more. At its highest funding level in FY10, the System received $503 million – little more than half the needed amount. Since that time, congressional appropriations have been steadily backsliding toward levels that, in real dollars, have not been seen since FY06.

If sequestration cuts continue, CARE estimates that the Refuge System's FY14 appropriation could drop to only about $420 million – a cut of $83 million, or 17%, compared with FY10. On the ground, however, it will feel more like a $122 million, or 24%, cut (see chart). That is because the Refuge System needs an increase of $8 to $15 million each year to cover the rising cost of fuel, utilities, rent, and other fixed expenses.* Because budgets have not kept pace with rising costs, the gap between the level of funding needed to maintain the Refuge System's capabilities and the level of funding appropriated by Congress has widened dramatically. To begin to bridge that gap, CARE seeks a middle ground and urges Congress to fund the National Wildlife Refuge System's Operations and Maintenance accounts at $499 million in FY14. This funding level is essential in order for the Refuge System to:

- Conduct management and restoration activities to provide healthy habitats that attract wildlife and, in turn, draw visitors.
- Keep refuges open and staffed so that quality recreational opportunities continue to be offered to the public.
- Maintain facilities and equipment used to serve the public and manage habitat.
- Provide law enforcement officers needed to keep refuge resources and the people who come to appreciate them safe.



* Prior to FY11, the Refuge System required an annual increase of $15 million to cover rising costs and maintain management capabilities; a salary freeze for federal employees has reduced the annual need to $8 million.

The effects of sequestration cuts are already being felt on refuges across the country and, if allowed to continue eating away at the Refuge System's annual operations and maintenance funding, CARE anticipates significant impacts both within and outside of refuge boundaries, including:

- A reduction in the treatment of invasive plant populations, which will reduce the quality of habitat needed to support wildlife (both game and non-game) and put private lands at higher risk of infestations.
- A decrease in the use of prescribed fire, which is used on refuges both to improve habitat for wildlife that are adapted to fire and to reduce hazardous fuels that pose a wildfire risk to nearby communities.
- A decline in the number and quality of visitor programs, with visitor centers at many refuges operating at reduced hours, and plans to add or expand hunting programs at as many as 29 refuges being postponed or cut.
- Lost revenue for local communities as visitor numbers drop; according to the U.S. Fish and Wildlife Service (FWS) FY13 budget justification, "Each one percent increase or decrease in visitation impacts $16.9 million in total economic activity, 268 jobs, $5.4 million in job-related income, and $608,000 in tax revenue."
- Elimination of ancillary functions like FWS's operation of Henderson Field at Midway Atoll National Wildlife Refuge, which serves as a critical emergency landing site for trans-pacific flights, as well as the public's only window to the vast marine national monuments.

The loss of volunteer contributions will exacerbate these impacts. Currently, refuge Friends groups and volunteers do approximately 20% of all work on refuges. In FY12, approximately 42,800 people spent nearly 1.6 million hours volunteering on refuges, a contribution worth an estimated $34.7 million, or the equivalent of 766 full-time employees. This is only possible, however, if the Refuge System has sufficient staff resources available to train and oversee these volunteers. Because projected sequestration cuts will leave vacant staff positions unfilled and may force existing staff to be reassigned to higher priority duties, refuges are unlikely to retain the capacity to leverage such significant volunteer contributions in the years ahead.

Further, while we appreciate the funding that Congress provided for Hurricane Sandy relief, the Refuge System continues to feel the impacts of other natural disasters that have occurred over the past several years. Between FY05 and FY11, refuges sustained $693 million in damages from natural disasters including hurricanes, flooding, tornadoes, fires, a tsunami, and an earthquake. Of that total, Congress appropriated $254 million in emergency supplemental funding, but the Refuge System has been left to cope with the remaining $439 million in damages – approximately 97% of its total Operations and Maintenance funding for FY13.

We urge you to fund the Refuge System at $499 million in FY14 – a level that serves to bridge the growing gap between what the System needs and what it receives, and that enables refuges to continue moving America forward. On behalf of our more than 15 million members and supporters, CARE thanks the Subcommittee for the opportunity to offer comments on the FY 2014 Interior Appropriations bill, and we look forward to meeting with you to discuss our request.

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Written Testimony of the Honorable Chief Allan, Chairman
Coeur d'Alene Tribe

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

Public Witness Hearing—Native Americans

April 25, 2013

On behalf of the Coeur d'Alene Tribe ("Tribe") I am pleased to provide our recommendations for the FY 2014 Interior, Environment and Related Agencies spending bill. As explained below, the Tribe recommends that the Subcommittee include bill language that authorizes the Secretary of the Interior ("Secretary") to invest the $1.9 billion already appropriated for the Indian land buy-back program and utilize the supplemental amounts to maximize the resources available under this program.

Background on the Coeur d'Alene Tribe

The Coeur d'Alene Reservation covers 345,000 acres in northern Idaho, spanning the rich Palouse farm country and the western edge of the northern Rocky Mountains. The Reservation includes the Coeur d'Alene and St. Joe Rivers, and Lake Coeur d'Alene, which is considered one of the most beautiful mountain lakes in the world.

The Tribe's economy is based mostly on agriculture. The Tribe's 6,000-acre farm produces wheat, barley, peas, lentils and canola. The Reservation includes approximately 180,000 acres of forest and 150,000 acres of farmland, with most of the farmland owned by private farmers. Reservation land also produces about 30,000 acres of Kentucky Blue Grass. Logging is another important component of the economy and a source of revenue for the Tribe.

Most of the trust land on the Coeur d'Alene Reservation is fractionated. This means ownership of a single parcel is shared by more than one Indian owner with an undivided interest. Many parcels on the Reservation have more than 20 owners.

The *Cobell* Settlement and the Buy-Back Program

As the Subcommittee is aware, the Claims Resolution Act of 2010 ("CRA") provided for the settlement of the *Cobell v. Salazar* litigation. As part of the settlement, the CRA appropriated $1.9 billion for the voluntary buy-back and consolidation of fractionated land interests. This program is administered by the Secretary through the Land Buy-Back Program for Tribal Nations ("Buy-Back" program).

The intent of the Buy-Back program is to acquire as many as possible of these small, fractionated interests from willing Indian sellers to reduce the burden and expense on the Department of the Interior in administering them and to prevent a future *Cobell* case. Under the terms of the settlement, any unspent amounts from the $1.9 billion will revert to the U.S. Treasury after 10 years.

Of the $1.9 billion that Congress has appropriated for the Buy-Back program, up to 15 percent ($285 million) can be used for administrative costs and another $60 million is set aside for a scholarship fund. Of the $1.55 billion available to buy fractionated interests, the Secretary has tentatively allocated $1,391,569,500 to 40 Indian tribes that would initially participate in the program.[1] The rest of the 526 federally recognized Indian tribes in the U.S. would share the remaining $163,430,500 to repurchase interests on their respective reservations.

The Coeur d'Alene Tribe is not among the 40 tribes that the Secretary identified to initially participate in the Buy-Back program. Based on our analysis of the criteria that the Secretary used to select these 40 tribes, however, we believe that the Coeur d'Alene Tribe should have been included in this list and should have been allocated at least $10 million to repurchase fractionated interests on the Coeur d'Alene Reservation.

The Tribe has contracted all of the land and realty programs from the Bureau of Indian Affairs (BIA) that would be involved in administering the Buy-Back program. The Tribe has operated these programs successfully for more than a decade and has developed and maintained records on its tribal lands that are superior to the BIA's records. Not only does the Tribe have the capacity to begin purchasing fractionated interests immediately, but it also has a waiting list of individuals who wish to sell their fractionated interests to the Tribe.

The Secretary Cannot Maximize the $1.9 Billon Buy-Back Appropriation

Somewhat surprisingly, the CRA did not include any language that allows the Secretary to invest the $1.9 billion and retain the earnings for the Buy-Back program. A significant portion of the $1.9 billion will sit in an account for a period of years as the program is rolled out on reservations across the country. In the current budget climate, it only makes sense to maximize

[1] *See Initial Implementation Plan, Land Buy Back Program for Tribal Nations* (Dec. 12, 2012), at 11, *available at* http://www.doi.gov/buybackprogram/upload/Initial-Implementation-Plan-508.pdf.

the amount of funds available to purchase fractionated interests by allowing the Secretary to invest the $1.9 billion and to retain the supplemental earned amounts for the Buy-Back program.

Because the 10 year clock has already begun ticking for the $1.9 billion principal to be spent, every fiscal year that goes by without this money being invested represents money and opportunity lost. Assuming that $1.9 billion could be invested and were to earn even 1 percent annually, this would generate an additional $190 million that could be used to purchase additional fractionated interests. These additional funds could be used by Coeur d'Alene and other similarly situated tribes that wish to participate in the Buy-Back program but were not included on the top 40 tribes list.

The Tribe has had discussions with officials at the Buy-Back program and staff from the House Committee on Natural Resources regarding this issue, and they are aware that the Tribe is making this recommendation to the Subcommittee.

Suggested Bill Language:

The amounts comprising the Trust Land Consolidation Fund made available to the Secretary in Section 101(e) of Pub. L. 111-291 may be transferred and invested by the Secretary in a manner consistent with the Secretary's investment of tribal trust funds. The Secretary shall retain the supplemental amounts only for uses consistent with the Land Consolidation Program for the duration of the Trust Land Consolidation Fund.

The above language would allow the Secretary to invest the $1.9 billion in the conservative, federally guaranteed securities that the Secretary currently invests tribal trust funds in. The Secretary, through the Office of the Special Trustee (OST), currently invests nearly $2 billion in funds held in trust for the benefit of Indian tribes. OST has a division that exclusively handles these investments.

The language would also allow the supplemental earnings to be used by the Department *only* for the Indian land consolidation program. The capitalized terms are taken directly from and are defined in the CRA.

I appreciate the opportunity to provide this recommendation and would be happy to provide any additional information that the Subcommittee may require.

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Written Public Testimony from Members of the Coalition Against Forest Pests

American Forest & Paper Association, American Forests, American Forest Foundation, California Forest Pest Council, National Association of Conservation Districts, National Alliance of Forest Owners, National Association of State Foresters, National Woodland Owners Association, Society of American Florists, Society of American Foresters, The Davey Tree Expert Company, The Nature Conservancy, Vermont Woodlands Association

Submitted to the House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

April 25, 2013

The Coalition Against Forest Pests consists of non-profit organizations, for-profit corporations, landowners, state agencies and academic scholars who have joined together to improve our nation's efforts to address this critical threat to our forests. Our Coalition seeks to create real and lasting change by advocating for stronger programs and policies that work to combat this threat, mitigate the existing impacts, and restore healthy forest ecosystems. We write today in support of the USDA Forest Service (USFS) Forest Health Management Program which provides critical assistance to other federal agencies, state agencies, local agencies and private landowners in their efforts to protect and improve the health of America's rural and urban forests. ***For FY14, we urge the Subcommittee on Interior, Environment and Related Agencies to provide funding for the Forest Service Forest Health Management (FHM) Program to no less than the FY12 level of $112 million (of which $48 million was directed to cooperative lands) and to provide research for forest invasive species through the Forest Service Research Program to the FY12 level.***

Our nation's forests and trees, much like other critical infrastructure, provide numerous benefits. Across both rural and urban landscapes, forests and trees play an important role in the health of our environment and our economy—providing clean air and water, wildlife habitat, enhanced property values, renewable energy sources, and carbon sequestration. Furthermore, healthy and sustainable forests drive state and local economies by supporting jobs related to forest products, recreation, and tourism. The U.S. forest products industry employs nearly 900,000 people; it is among the top 10 manufacturing sector employers in 47 states. In Idaho and Virginia alone, the forest products industry directly employs nearly 10,000 and 28,000 people, respectively. Wood and paper production ranks in the top 10 manufacturing sectors in both states and generates billions in shipments of important wood and paper products annually. In Vermont, the maple sugar industry provides 4,000 seasonal jobs. Visitors to National Forest System lands generate more than $13 billion of recreation and other related economic activity. Tourism based on fall foliage displays attracts one million tourists who annually generate $1 billion in revenue in New England.

The importance of the continued health and vitality of our urban and rural forests cannot be overstated; unfortunately, neither can the severity of the threats they currently face. The ability of

trees and forests to continue to provide important environmental and socioeconomic benefits is being threatened by damaging invasive species that are arriving and spreading at an increasing rate— destroying habitat and creating voids in cities and towns once populated by thriving forests and trees.

Close to 500 species of tree-damaging pests from other countries have become established in the country, and a new one is introduced, on average, every 2 to 3 years. At least 28 new tree-killing pests have been detected in the United States in just the last decade. Some of these are capable of causing enormous damage. For instance, Thousand cankers disease threatens black walnut trees across the East; the value of walnut growing stock is estimated to be $539 billion.

Already, municipal governments across the country are spending more than $2 billion each year to remove trees on city property killed by non-native pests. Homeowners are spending $1 billion to remove and replace trees on their properties and are absorbing an additional $1.5 billion in reduced property values.

The USFS FHM & Research programs provide critical resources supporting efforts to prevent, contain, and eradicate dangerous pests and pathogens affecting trees and forests., USFS funding for many of these vital pest programs has been cut severely, as the data comparing funding in FY11 and FY12 demonstrate:

- Asian longhorned beetle, cut by 68% from FY11 to FY12
- Sudden oak death, cut by 53% from FY11 to FY12
- Emerald ash borer, cut by 36% from FY11 to FY12
- Hemlock woolly adelgid, cut by 22% from FY11 to FY12

These programs suffered further cuts in FY13; the emerald ash borer program was cut by another 32%, reducing it to only 42% of its 2011 level. In the meantime, the APHIS EAB program has shrunk 74% - from $37.2 million to just $9.7 million.

In FY 2012, the FHM Program helped combat native and invasive pests on over 351,000 acres of Federal lands and over 615,000 acres of Cooperative lands. While these numbers represent a vital component of our efforts to protect the nation's forests and trees, they also represent the real consequences of reductions in funding—with nearly 150,000 fewer acres treated on Cooperative lands in FY 2012 (as compared to acres treated in FY11). Further, FHM leads the federal government's efforts to counter forest pests which have become widespread, including gypsy moth, hemlock woolly adelgid, white pine blister rust, Port-Orford-cedar root disease, thousand cankers disease, oak wilt, and others. Any further cuts to this program will necessitate deeper reductions in support for communities already facing outbreaks and expose more of the nation's forests and trees to the pests' devastating and costly effects.

The USFS Research and Development Program provides the science to help manage invasive species in urban and rural forests. Forest Service Research (R&D) provides the scientific foundation for developing effective tools to detect and manage forest pests and the pathways by which they are introduced and spread. We consider it vitally important to conduct research aimed

at improving detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, Thousand Cankers Disease, Gold-spotted Oak Borer and other non-native forests pests and diseases. USFS research scientists have had the leading role in developing detection traps & evaluating treatments that make walnut lumber safe to continue moving in commerce.

We ask your support to direct Forest Service research funding targeted at improving detection and control of these deadly pests and diseases. The importance of maintaining funding for USFS FHP & R&D programs on these pests is demonstrated by a brief description of the threats they pose:

- The Asian longhorned beetle kills trees in 15 botanical families—especially maples and birches which constitute much of the forest reaching from Maine to Minnesota and urban trees worth an estimated $600 billion.
- Emerald ash borer occupies more than 200,000 square miles in 18 states. More than 200 million ash trees in the Plains States and additional trees in the South are at risk to this pest. Homeowners and municipalities collectively will pay more than $10 billion over the next 10 years to remove dead ash trees that would otherwise fall and cause property damage or even loss of life.
- Hemlock woolly adelgid has killed up to 90% of hemlock trees in the Appalachians from Georgia to Massachusetts. Loss of hemlock groves threatens unique ecosystems and watersheds.
- Goldspotted oak borer has killed up to 80,000 California live oak and black oak trees in San Diego County in less than 15 years. The insect threatens oaks throughout California, including close to 300,000 oak trees growing in greater Los Angeles and trees in Yosemite Valley.
- Sudden Oak Death affects 143 different plant species and continues to spread in California's 14 impacted counties as well as Curry County, Oregon. In 2012 alone, nearly 400,000 trees were lost to Sudden Oak Death in California.

In a time when America's forests and trees faces significant threats regarding their present and long-term health, USFS must be provided with adequate funds to support this key program. Accordingly, we urge you to provide funding to no less than FY12 levels as you consider FY14 appropriations for the USFS. We would be pleased to answer any questions you may have. Thank you for your time and consideration of this important request.

Ruth E. McBurney, CHP
Executive Director
Conference of Radiation Control Program Directors, Inc.

I am writing today to express serious concerns regarding proposed budget cuts of $10,000,000 by the USEPA to the Office of Radiation and Indoor Air, Radon Program, specifically to the State Indoor Radon Grants.

The Conference of Radiation Control Program Directors, (CRCPD) is a nonprofit organization of state radiation control officers and others interested in the work of radiation protection in the public interest. CRCPD opposes the planned FY14 budget's abolishment of State Indoor Radon Grants (SIRG) because the cut is being made with the false assumption that states can carry on this vital program without federal funding; which is patently untrue. Further, CRCPD feels that cutting funds to one of the most cost effective, results oriented, radiation risk reduction programs, leaves the public unprotected from a carcinogen responsible for 21,000 lung cancer deaths per year[1]. We urge you to restore these funds to keep state and local lifesaving programs in operation.

CRCPD's primary goal is to assure that radiation exposure to individuals is kept to the lowest practical level. Every day, our members are on the front lines protecting the United States public from unnecessary radiation exposures in industry, medicine and the environment. For many years our nation's response to this formidable radiation threat from radon has been grossly underfunded (based on actual risk[2]), but state radon programs have leveraged the approximately 8 million dollar annual federal investment in state assistance with in-kind match to achieve results.

EPA reports that its radon information and reduction efforts, thru its partnerships, have already resulted in saving thousands of lives[3]. It is in fact state and local radon programs and their non-profit partners, funded by SIRG, that are the action arm responsible for that risk reduction. EPA's own data indicate much more effort is needed to catch up to the increasing number of homes with elevated radon concentrations[4]. It is clear to us that these risk reduction efforts will not continue, much less increase, without federal SIRG funding.

The radiation risk to the American public from radon gas is undisputed. The National Academy of Sciences[5], The World Health Organization[6], EPA's own risk assessment[7], the US Surgeon General[8] and the President's Cancer Panel[9] all have taken a strong stance on the importance of getting people to test for radon, mitigate when levels are high and build new homes radon resistant. Radon is the leading environmental cause of cancer mortality in the United States and the seventh leading cause of cancer mortality overall[10]. The Harvard School of Public Health, Center for Risk Analysis, ranked radon as the highest of ten risks of death in homes in the United States, ahead of falls and home fires[11].

Now, EPA is abandoning this highly effective state- and locally-focused risk reduction program. EPA claims that they are not abandoning the radon issue, or the states, but will continue their public information campaigns and work with other federal agencies to reduce radiation risk from radon[12]. The state programs have been the "boots on the ground" in this battle for two decades. Without SIRG funds, state programs will effectively disappear.

By cutting State Indoor Radon Grants, the USEPA has made a rash and inappropriate decision that will significantly impair or eliminate the individual state's ability to respond to this threat. The risk reduction achieved by this very effective and successful program far exceeds that of any other EPA program at a fraction of the cost. EPA's own analysis shows that the new construction cost per life saved (CPLS) is approximately $80,000. The mitigation cost per life saved (CPLS) for existing homes is approximately $400,000[13]. In comparison, the Office of Technology Assessment (OTA) roughly estimated the average cost per life saved at EPA Superfund sites at 5 million dollars each.[14] "The U.S Department of Transportation limits new policies (such as improved guardrails) to $3 million dollars per statistical life saved.[15]" By EPA's own account, the national radon effort has already saved over 6,000 lives (2006)[3]. To cut funding to such a cost effective program is illogical and inexcusable.

State radon program staffs are viewed as unbiased experts familiar with the local conditions and practices. The support that state radon programs provide to consumers results in the delivery of better quality radiation protection services and a stronger, more competent radon service industry. This is a role that neither the federal government, nor the industry or housing generalists can fill. State program staff also fears that the radon service industry, comprised of specialized small businesses, will also disappear as the inevitable decline in the demand for their services occurs. Jobs lost in this specialized industry affect both those workers and the public they serve. Without professional radon mitigators to reduce high radon levels in homes, families remain exposed to this carcinogen. This is unacceptable.

In addition to residential radon issues, state radon programs have been working with education departments and school systems to assess the seriousness of radon in schools[16, 17]. Without state radon programs, schools testing will virtually cease, leaving thousands of teachers and students at risk. There has been recent media attention on school systems that have failed to address the elevated radon levels due to lack of funds[18]. This budget cut will do nothing to improve that situation.

The national radon effort has been a model example of voluntary environmental risk reduction, giving states the latitude to design and implement their response to these serious risks as they deem appropriate. Currently, 44 of the 50 states, 10 tribes, 1 territory and Washington, D.C., receive SIRG funding. Thirteen states license radon practitioners. While nine of these collect fees, contrary to what has been suggested, this does not make them self-sustaining. If SIRG grants end, states that collect fees will use funds collected to offset licensing/certification costs but will, in effect, end all pass through to local governments and non-profit organizations. This will end most other parts of the state agencies' radon risk reduction efforts. Without these

funded activities at the local level, public demand for radon services is expected to eventually disappear.

For these reasons, CRCPD urges you to restore the federal funding for the State Indoor Radon Grants. Thank you for your careful consideration to our comments.

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AMERICAN
SOCIETY FOR
MICROBIOLOGY

Office of Public Affairs

Statement of the American Society for Microbiology
Submitted to the
House Appropriations Subcommittee
on Interior, Environment, and Related Agencies
On the Fiscal Year 2014 Appropriation for the Environmental Protection Agency

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2014 appropriation for science and technology (S&T) programs at the US Environmental Protection Agency (EPA). The ASM is the largest single life science organization in the world with more than 37,000 members.

The EPA funds and sustains a broad portfolio of research and development (R&D) activities that provide tools and knowledge crucial to decisions on preventing, regulating and reducing environmental pollution. Adequate funding for the EPA's science and technology programs is needed to ensure the science based capabilities of EPA oversight to protect human health and the environment.

The Office of Research and Development (ORD) oversees EPA's scientific research, managing 14 facilities across the United States including three national laboratories and four national research centers. Over the past decade, the budget for ORD has declined by nearly 30 percent in terms of purchasing power. EPA appropriations allocate a modest fraction to the agency's science and technology programs, roughly 10 percent in FY 2013. These funds must support intramural and extramural R&D efforts, personnel costs, laboratory purchases and other operating expenses.

EPA actions require frequent testing, updated methodologies, data management and a thorough understanding of current scientific knowledge. EPA's science based actions include analysing environmental samples, quickly responding to emergencies, enforcing federal regulations, providing technical support to non-EPA labs across the United States and monitoring pollutants and environmental quality. EPA research contributes new knowledge to the growing field of regulatory science and external evaluations of EPA science in recent years have cautioned that EPA's science based capabilities should be strengthened to lend greater credibility to its regulatory actions.

EPA Funding Safeguards Communities through Science and Technology

The EPA contributes to protecting the nation's food supply, water systems and overall environmental health by publishing guidances for industry, public works departments and other stakeholders. In the case of safe drinking water, a basic human need, EPA has regulatory

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standards for ninety one contaminants and is required to identify up to thirty additional contaminants of concern to periodically monitor and evaluate their significance as health risks.

EPA guidelines, like EPA enforcement actions, must be grounded in solid science using the best available information and risk assessment methods. In 2012, EPA updated its regulations on microbial pathogens in drinking water, impacting approximately 155,000 public water systems in the United States that serve more than 310 million people. The Revised Total Coliform Rule strengthens requirements for public drinking water systems relative to acceptable levels for *Escherichia coli* and other standard indicators of possible contamination. In November, the EPA additionally recommended new recreational water quality criteria. Though not imposing new rules, the criteria provide states and local governments with the latest information from recent health and science studies to better help users evaluate their own waters. Included in the EPA recommendation is a new rapid testing method to more quickly detect possible contamination, plus an early alert protocol for public swimming advisories.

Other examples from the past year include the first ever comprehensive Microbial Risk Assessment (MRA) Guideline, developed jointly with the US Department of Agriculture, which provides specific guidance on optimal assessments of microbial risk in food and water. In 2012, EPA scientists at the National Exposure Research Laboratory published results of their ongoing study of *Legionella bacteria contamination in engineered water systems and improved detection methods, delineating the interacting factors that can lead to disease outbreaks.*

In addition, EPA directs significant funding each year directly to state and local governments. This funding both improves surrounding environments, but also stimulates local economies. Last June, EPA's Urban Waters program awarded grants to 46 organizations in 32 states and Puerto Rico to improve urban waters. In September, the agency's Great Lakes Restoration Initiative (GLRI) distributed 11 grants to projects in Michigan and Ohio to improve water quality and reduce excess nutrients that can trigger harmful algal blooms in Great Lakes watersheds. Preventive practices that will be subsidized with GLRI funds include replacing failing septic systems, planting cover crops, improving farm practices and restoring wetlands. First proposed in 2009, GLRI is the most significant investment in improving the Great Lakes ecosystem in more than 20 years.

EPA Funding Supports Regulatory Science and Workforce Development

In response to the 2011 National Academy of Sciences report on integrating sustainability into EPA decision making, the Office of Research and Development (ORD) adopted four integrated trans disciplinary research action plans covering agency responsibilities: (1) air, climate and energy; (2) safe and sustainable water; (3) chemical safety and sustainability; and (4) safe and healthy communities. Within these action plans are systems approaches to environmental issues and life cycle assessments in research programs. Adequate federal funding levels are essential to ensure the EPA can respond quickly to outside recommendations, as the agency commits itself to utilizing the best regulatory science available.

The Science to Achieve Results (STAR) program distributes extramural funding to a range of institutions, supporting research affecting human health, ecology, engineering, economics and

other fields. Current STAR grant recipients include eight universities in a joint effort toward new rapid testing methods to assess chemicals toxicity to people and the environment. In September, three universities joined another STAR multi institution initiative to develop cost effective, sustainable drinking water treatment methods. Each evaluated contaminant removal by ion exchange processes, reticulated vitreous carbon electrodes or membrane distillation.

EPA contracts awarded to industry encourage innovation in regulatory science. As part of EPA's ToxCast program, a new five year agreement with a California company will screen chemicals for toxicity with its proprietary lab method using human cell cultures. The company will analyze up to 60,000 samples to determine potential toxicity to humans, and added them to the EPA's catalog of substances and their predicted toxicity. EPA also supports extramural science and technology research through its Small Business Innovation Research (SBIR) program, which help companies with fewer than 500 employees commercialize relevant technologies. Last year, the EPA selected 25 US companies to participate in Phase I of its annual SBIR awards, including a North Dakota firm studying solar powered aeration technology that removes unwanted chemical byproducts of disinfection used to control microbes in drinking water.

The FY 2013 and 2014 budget shortfalls could threaten the EPA's important tradition of nurturing the next generation of environmental scientists and engineers. In 2012, EPA awarded $675,000 through 45 grants to university student teams as part of the agency's annual People, Prosperity and the Planet (P3) competition to design and develop sustainable technologies. Among the grant winners are research and development teams focused on solar disinfection technology to pasteurize water in developing countries, magnesium oxide aerogels to capture carbon dioxide at power and chemical plants and 3D printing technology applied to sustainable building component design.

Nearly 130 university students nationwide received about $5.3 million this academic year through Greater Research Opportunities (GRO) undergraduate fellowships or STAR fellowships to masters and doctoral students. Currently funded student research includes the impacts of water temperature increases on cyanobacterial blooms and the effects of a permeable reactive barrier on denitrifying bacteria in Cape Cod bay waters. The agency regularly distributes grants to K-12 school districts to build STEM capacity, like last year's grant to a New Mexico schoolyard program to teach youth about environments of the Chihuahuan Desert, or the President's Environmental Youth Award for a high school project in Idaho restoring water quality in the Boise River. EPA also sponsored a "water boot camp" last summer in Missouri to train high school and college students interested in water quality careers.

In May 2012, EPA joined the US Department of Commerce in launching an innovation initiative to create American jobs in the environmental industry, as well as promote American environmental technology, products and services in the global marketplace. The joint effort's new Environmental Technologies Export Initiative builds on the Administration's National Export Initiative, which aims to double United States exports by the end of 2014 and support millions of US jobs. EPA is also partnering with trade associations, increasing access for US companies to EPA's S&T and regulatory information. EPA estimates that the US environmental industry generates about $312 billion in revenues each year, employing nearly 1.7 million people

and sustaining more than 60,000 small businesses. The United States is a world leader in environmental protection, and EPA has stated its commitment to accelerating Science and Technology research and development, to stimulate both economic growth and environmental protection.

The ASM recommends that Congress restore sequestration cuts for research budgets and fund EPA research programs at the highest possible level in FY 2014.

Testimony

Before the House Interior, Environment and Related Agencies Subcommittee

April 24, 2013

By

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The National Ground Water Association (NGWA) requests that $2.5-million be included in the U.S. Geological Survey's (USGS) Groundwater Resources Program account to begin implementation of a national groundwater monitoring network. NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well contractors, manufacturers, and suppliers of groundwater-related products and services.

Water is one of the most critical natural resourees to human, ecosystem and economic survival. In the United States, 78 percent of community water systems, nearly all of rural America's private household wells; and 42 percent of agricultural irrigation water are supplied by groundwater. While the nation's people, food supply, economy and ecosystems depend on groundwater, no systematic nationwide monitoring network is in place to measure what is currently available and how groundwater levels and quality may be changing over time. As with any valuable natural resource, our groundwater reserves must be monitored to assist in planning and minimizing potential impacts from shortages or supply disruptions. Just as one cannot effectively oversee the nation's economy without key data; one cannot adequately address the nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of the critical commodity – groundwater.

In the face of current and anticipated water supply shortages, public and private sector water professionals have put out the call over the years for increased groundwater monitoring and the dissemination of the resulting data to the nation.[i] And the need to take action continues to this day.[iiii]

Congress listened and responded to these requests for enhanced groundwater monitoring by authorizing a national groundwater monitoring network with passage of Public Law 111-11

(Omnibus Public Land Management Act) in 2009. Six states[iv] voluntarily pilot tested concepts for a national groundwater monitoring network as developed by the federal Advisory Committee on Water Information's (ACWI) Subcommittee on Ground Water (SOGW). If this effort moves forward, consistent, comparable nationwide data would become accessible through a web portal for federal, state, local government and private sector users. In these tight fiscal times, the proposed network would build on existing state and federal investments, maximizing their usefulness and leveraging current dollars to build toward systematic nationwide monitoring of the groundwater resource.

The Administration's FY2014 USGS budget request of approximately $600,000 split between the National Ground Water Monitoring Network, and a groundwater climate response network is woefully inadequate to support regional, state and tribal partners and move a national groundwater monitoring network forward., We ask the Subcommittee to allocate $2.5 million exclusively for the National Ground Water Monitoring Network to do the following:

1. Provide grants to regional, state, and tribal governments to cost share increased expenses to upgrade monitoring networks to meet the standards necessary to understand the nation's groundwater resources. The shared funding arrangements should be modeled after highly successful cooperative programs (e.g. STATEMAP) that already exist between the U.S. Geological Survey and states; and

2. Support the additional work necessary for USGS to manage a national groundwater monitoring network and provide national data access through an internet web portal.

The redirection of an appropriation of $2.5 million for groundwater monitoring requested here is small in comparison to the entirety of the Department of Interior's appropriations. But the $2.5 million appropriation is vital when we understand that for a small investment we can begin finally to put in place adequate monitoring of the hidden resource that provides nearly 40% of the nation's drinking water supply. Thank you for your consideration of this request.

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The National Ground Water Association is a not-for-profit professional society and trade association for the groundwater industry. NGWA is the largest organization of groundwater professionals in the world. Our members from all 50 states and 72 countries include some of the leading public and private sector groundwater scientists, engineers, water well contractors, manufacturers, and suppliers of groundwater related products and services. The Association's vision is to be the leading community of groundwater professionals that promotes the responsible development, use and management of groundwater resources.

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[i] U.S. Government Accountability Office. Freshwater Supply: States' Views of How Federal Agencies Could Help Them Meet the Challenges of Expected Shortages. (GAO-03-514). July 2003. Page 1.

[ii] White House Council on Environmental Quality. Progress Report of the Interagency Climate Change Adaptation Task Force: Recommended Actions in Support of a National Climate Change Adaptation Strategy. October 5, 2010. Page 11.

[iii] U.S. Government Accountability Office. Energy-Water Nexus: A Better and Coordinated Understanding of Water Resources Could Help Mitigate the Impacts of Potential Oil Shale Development. (GAO-11-35). October 2010. Page 39.

[iv] The six pilot states were Illinois, Indiana, Minnesota, Montana, New Jersey, and Texas. Additionally, Idaho, North Carolina, South Carolina, Washington and Wyoming volunteered as pilots but were not included given limited oversight resources.

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24 April 2013
Richard Camp, President
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TESTIMONY
BEFORE THE HOUSE APPROPRIATION SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Hakalau Forest National Wildlife Refuge (FOHF) with a membership of 150 individuals and families, thank you for your strong support for the National Wildlife Refuge System (NWRS). We appreciate the opportunity to provide comments regarding FY14 funding for the NWRS.

The NWRS enjoyed significant funding increases in fiscal years 2008-2010 after several years of chronic funding shortfalls. Those gains were offset by funding reductions in fiscal years 2011 and 2012 and by the annual increases in the cost to maintain the management capability. **With this in mind, we strongly support the President's FY14 Operations and Maintenance funding request of $499 million, while recognizing that at least $90 million in annual funding is needed to properly administer the System.**

It is critically important when considering the NWRS funding challenge that System-wide funding cuts of this magnitude have a devastating impact on individual refuges. Hakalau Forest NWR was established in 1985. This 32,733 acre refuge supports a wide diversity of endangered forest birds and rare plants unique to the Islands. The Kona Forest Unit, established in 1997, added 5,300 acres to the refuge. The Hakalau Forest NWR has been managed aggressively by staff and volunteers to minimize the impact of invasive plants and animals. More than 500,000 native trees and forest plants and over 7,000 endangered plants from 7 species propagated at the refuge have been planted to restore forest ravaged by cattle and feral pigs. Under this management regime, populations of several native forest birds on the refuge have shown increasing trends. Yet recent funding cuts have led to a hiring freeze from filling vacant positions and may result in further reductions in staff, resulting in reinvasion of several management units by pigs and the rapid spread of aggressive weeds. Additional proposed sequestration cuts will likely push this refuge to the tipping point and reverse the positive population trends of native forest birds.

The FOHF also support full finding of the Land and Water Conservation Fund (LWCF) at $900 million and urge a minimal commitment of $300 million for the NWRS. The LWCF is authorized at $900 million per year for both fee and easement acquisition of conservation lands. The timing is ripe for protection of critically important wildlife habitat while land values remain depressed. The Service has recently completed a Land Protection Plan that identifies several privately held parcels of land on Hawaii Island that should be acquired with LWCF.

Thank you again for the opportunity to comment on funding for the National Wildlife Refuge System.

Aloha,

Richard Camp, President
Friends of Hakalau Forest National Wildlife Refuge

TESTIMONY ON FY 2014 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KAREN R. DIVER, CHAIRWOMAN
BEFORE THE HOUSE COMMITTTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
April 25, 2013

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. We appreciate the opportunity to provide testimony on FY 2014 Appropriations for the Indian programs funded through the Department of the Interior, Indian Health Service (IHS) and Environmental Protection Agency (EPA). The Fond du Lac Band provides health, education, social, public safety and other governmental services to approximately 6,700 Indian people living on or near our Reservation in northeastern Minnesota. These programs are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources. Because of this, we wish to express our deep concerns about the adverse impact of sequestration on our ability to provide these basic governmental services. We urge Congress to reach solutions on budget matters, and to fully fund the programs that are so critical to Indian county so that the most vulnerable communities are not hurt and the federal government fulfills its trust responsibilities to our people.

BIA: Public Safety and Justice and Construction. We support the President's proposal to increase BIA funding for law enforcement as increased funding for law enforcement personnel is essential. We also urge Congress to increase funding for BIA Construction, as the facility that houses our Law Enforcement Department is completely inadequate for that purpose.

Public Safety and Justice. We continue to face massive unmet needs for law enforcement. We provide law enforcement with a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies. But methamphetamine, alcohol, illegal prescription drug use, and gang-related activity create huge demands on our Law Enforcement Department. Recently, we have seen a rather large and fast increase in gang activity. The convictions of several Native Mob members in March 2013 appear to have left a void in gang leaders, so, while gang activity has been on the rise over the years, lately gang activity has intensified with gang members trying to make names for themselves by whatever means necessary. The increase in crime is further illustrated by the fact that Fond du Lac had its first homicide since 2000 last year which, though not directly gang-related involved gang members and drugs. Another homicide occurred in Carlton County near the Reservation in 2012 which involved two tribal members and drugs.

We also face an epidemic in prescription drug abuse. Many of our elders and others are the victims of assaults and robberies that are drug-related. Our law enforcement officers must respond to a large number of drug overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries. They also respond to a wide range of other matters, for example, reports involving domestic disputes, disturbances, disorderly conduct, property damage, theft, medical emergencies, fire, neglected children, runaways, suicide threats, as well

as numerous traffic-related matters. In 2012, our Law Enforcement Department responded to close to 5,100 incidents and requests for assistance – an increase from 4,900 in 2011.

To address these problems and ensure effective law enforcement coverage 24/7, we need to increase our law enforcement staff but lack sufficient funds to do this. We employ 13 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe School), a Chief of Police, and 3 administrative staff. To the extent possible we schedule 3 officers per shift, but we do not have sufficient funds to do this around the clock. In fact, to effectively patrol the Reservation we should have 4 officers working each shift and a second investigator, for a total of 20 officers. Fewer officers on duty poses serious safety issues for both officers and the people we need to protect. The large number of calls for police assistance also means that we need more than one investigator.

BIA Construction. Funding should be increased for BIA Construction. Fond du Lac needs a new facility for our law enforcement department. The Department is still housed in a 6-room building, which we share with the Band's housing program. It has neither room for investigative interviews, nor office space for specialty positions such as investigators. The evidence room and reception area are all completely inadequate for law enforcement purposes and, with the increased number of calls we are receiving, are becoming more inadequate each day. A new building with a garage, along with a larger evidence room, storage room for record-keeping, and a training room for officers, is essential.

BIE: Education. We urge Congress to increase funding for Bureau of Indian Education (BIE) Elementary/Secondary School Programs. We rely on BIE funding for the operation of the Band's pre-K through grade 12 Ojibwe School which serves approximately 340 students most of whom are tribal members or descendants of tribal members. Most of our students come from very low income households, illustrated by the fact that more than 90% of our students qualify for free or reduced rate lunches. Although the President, in Executive Order 13952 (Dec. 2, 2011) found "an urgent need" for federal agencies to help improve educational opportunities for American Indian students because there has been "little or no progress in closing the achievement gap" between our students and all other students, funding for the BIE Elementary/Secondary School Programs is stagnant and seriously under-funded. The modest funding increases made in FY2012 have been lost as a result of sequester. This is illustrated by the following table:

	ISEP	Tribal Grant Support Costs	School Facility Operations	School Facility Maintenance	Student Transportation
FY08		$43.373	$56.504	$50.745	
FY09	$375.	$43.373	$56.972	$50.745	$50.5
FY10	$391.699	$43.373	$59.410	$50.745	$50.808
FY11	$391.142	$43.373	$59.263	$50.746	$52.798
FY12	$392.306	$46.373	$58.659	$50.746	$52.739
FY13 w/sequester	$369.9	$45.8	$55.7	$48.4	$50.3

*Numbers in millions

Applying statute-generated needs formulas, we ask that BIE Elementary/Secondary School Program funding be increased as follows:

- ISEP. Increase ISEP to $479,758,000. ISEP is the primary source of school funding, covering salaries for teachers, teacher aides, and administrative personnel. ISEP is critical to our ability to recruit and retain qualified teachers and to cover shortfalls in other budget areas, such as transportation, facilities and maintenance.
- Tribal Grant Support Costs (TGSC). Increase TGSC to $67,270,000. TGSC helps pay for accounting, insurance, background checks, legal and record-keeping requirements. Inadequate funding of TGSC forces us to use ISEP and other funds to meet these needs.
- School Facility Operations and School Facility Maintenance. Increase School Facility Operations to $61,913,000, and School Facility Maintenance to $79,137,000. Such funds keep our building in safe condition, pay for preventative and unscheduled maintenance, and cover insurance and increasing utility costs. Past funding has not kept pace with rising costs or the growing backlog of schools needing repair.
- Student Transportation. Increase Student Transportation to $56,212,000. This program has been historically underfunded. Without increased funding, the costs to maintain, repair, and replace buses and cover rising fuel costs must be paid from education program funds which are already over-obligated. Located in a rural area, Fond du Lac relies on buses to provide a safe and reliable means to get students safely to and from school.
- School Construction and Repair. Provide an additional $20,000,000 million for School Construction above current levels to stay ahead of BIE's reported $70,000,000 million annual deterioration rate. BIE reports a $3.4 billion school replacement need. Research studies continue to document a link between inadequate facility conditions and poor performance by students. Not addressing these critical infrastructure needs will only jeopardize student and staff safety.

BIA: Trust -Natural Resources Management. We very much appreciate the funding for BIA Natural Resource programs that Congress has provided in past years and strongly support the proposed increase for these programs contained in the President's FY 2014 Budget. Natural resources are vitally important to our Tribal members. They provide the foundation for our culture, meet subsistence needs, and provide employment. The Fond du Lac Band's right to access natural resources within and outside our Reservation was reserved by Treaties with the United States in 1837, 1842, and 1854 and reaffirmed by the courts. In connection with these Treaty rights, the Band is responsible for managing natural resources and for enforcing Band conservation laws that protect those natural resources by regulating Tribal members who hunt, fish and gather those resources both within and outside the Reservation.

Base program funding is essential for that work. Fond du Lac routinely partners with state, federal, and tribal organizations to conduct research and management activities. We request that $2 million be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991. We also request that Congress provide funding to BIA Tribal Government account as recommended in the President's FY 2014 Budget. This account provides Self Governance funding that is vital to the operation of our Forestry, Fisheries, Wildlife, and Natural Resources Programs.

We urge Congress to increase funding for the U.S. Fish and Wildlife Service's State and Tribal Wildlife Grant Program, and we support the President's proposed funding for Tribal Historic Preservation Offices and the EPA Great Lakes Restoration Initiative. Finally, as a member of the Great Lakes Indian Fish & Wildlife Commission, the Band supports the Commission's request for BIA Great Lakes Area Management funding of $7.067 million and EPA funding of $1.2 million to continue its long-standing treaty rights protection and implementation program on behalf of its member Tribes.

BIA: Human Services. We urge Congress to increase funding for Human Services programs to address the impact that the methamphetamine epidemic has on not only public health and safety, but also on child protection, child welfare and foster care services.

Indian Health Service. We fully support the President's proposed increase in funding for the Indian Health Service and appreciate the commitment that the Administration and Congress have made to address the funding needs for health care in Indian country. The President's proposed increase is essential to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and its associated complications, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. All Indian tribes should receive 100% of the Level of Need Formula, which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves over 7,000 Indian people at our clinics, but the current funding level meets only 42% of our health care funding needs.

As the epidemic of prescription drug abuse grows across the country, the IHS needs resources to expand its treatment and community education capacity. We are especially disappointed with the Pharma-driven position SAMHSA has followed for the past several years regarding Methadone Assisted Therapy (MAT). Many poorly administered MAT programs are pouring unprecedented amounts of cheap, liquid Methadone into Indian communities with very destructive results. In 3013, 2/3rds of the babies delivered by Fond du Lac Nurse-midwives were born to Methadone dependent mothers. Research has shown that methadone users are cognitively impaired, but no research has been done on children born to Methadone users. Meanwhile, thousands of American Indians are falling victim to the chemical slavery now sponsored by SAMHSA. Additional funding for the Methamphetamine, Suicide Prevention Initiative should be made available to tribes and the IHS so that this "new sickness" can be addressed. Best practices in pharmacy inventory and prescription monitoring need to be modeled and replicated throughout Indian Country. Related to this is the fact that more and more government agencies are expecting local units of governments, including Tribes, to address these problems and the increasing number of individuals who become homeless as a result of them, through the operation of supportive housing. But Fond du Lac, like most tribes, lacks the financial resources to establish new program initiatives, like supportive housing, without assistance from the federal government. We urge Congress to support programs through the IHS or the BIA that would fund supportive housing for tribes in every area of the country.

Miigwech. Thank you.

Todd Paddock
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House Subcommittee on Interior, Environment, and Related Agencies
Concerning Fiscal Year 2014 Appropriations

24 April 2013

Chair and Members of the Subcommittee:

On behalf of the Friends of the Refuge Headwaters (FORH), I am writing regarding the fiscal year 2014 Interior Appropriations bill and the impact this bill will have on the Refuge we support: the Upper Mississippi River National Wildlife and Fish Refuge (Upper Miss Refuge). We are very proud to be part of the National Wildlife Refuge System and ask that you support the President's funding proposals for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS).

Below I will begin by briefly describing FORH, the Upper Miss Refuge, and use of the Refuge by 3.7 million visitors per year. With respect to the Upper Miss Refuge in particular, I will explain the importance of the following allocations:

- $499 million for Operations and Maintenance (O&M) of the NWRS;
- $900 million for the Land and Water Conservation Fund (LWCF) with a minimal commitment of $300 million for the National Wildlife Refuge System.

I will also explain how the sequester cuts have impacted the Upper Miss Refuge thus far, and how the Refuge would be affected were there to be an additional cut of 10% in 2014. I

But to make clear, the National Wildlife Refuge System has endured several years of austere budgets, the sequester cut has made matters worse, and this has harmed the people who use the Upper Miss Refuge and the wildlife that is the reason for the Refuge System's existence. Additional cuts will have further harmful consequences out of proportion to any money saved by carrying them out. Finally,

The Friends of the Refuge Headwaters (FORH)
FORH is an all-volunteer group that began in 1997. Our mission is to support the Refuge's goals of sustaining diverse and abundant wildlife as well as providing compatible recreation, education, and interpretation to the public. Our current activities include sponsoring public outings for fishing, birding, canoeing, planting trees, removing invasive species, surveying Refuge users, holding public events with expert speakers, monthly meetings, and advertising and communicating through print, electronic, and social media. We also seek and write grants to aid the Refuge and raise funds through other activities.

The Upper Mississippi River National Wildlife and Fish Refuge
The Refuge winds through 261 miles of the Upper Mississippi River across four states: Minnesota, Wisconsin, Iowa, and Illinois. It comprises 240,000 acres of bottomland forests, wooded islands, marshes, backwaters, and upland prairies. It has more than 300 species of birds, more than 100 species of fish, and more than 50 species of mammals, as well as 250 bald eagle nests and 5000 heron and egret nests. The Refuge is part of one of the four major waterfowl migration flyways in the U.S., where birds must find reliable food, water, and resting places: during fall migration you can find hundreds of thousands of waterfowl using the Refuge on a single day.

But the Upper Miss Refuge is not just for wildlife. It's also a paradise for people. Minnesota is known as the land of 10,000 lakes and there are just as many lakes in Wisconsin, but not the part of Minnesota and Wisconsin where I live. We live in the land of the land of the Mississippi River, and thankfully, the land of the Upper Mississippi National Wildlife and Fish Refuge.

Public Use of the Upper Miss Refuge
So I will now describe for you how much people use this Refuge and how deeply they care about it. That's not hard for me to do, because I'm one of them. I'm out on the Refuge a lot and for many reasons. I fish year-round, from my boat, shore, or ice, and in the fall I hunt on the Refuge. You'll find my wife and I on backwaters or pools in our canoe or kayaks, sometimes with friends, exploring and observing wildlife. We take walks through the bottomland forest or upland prairie, on trails, on ice-covered channels in the winter, or on levees. We walk or drive to observation platforms to watch birds. We often join with friends to take one or more boats to an island shore for a picnic. On a warm summer day we may swim at the riverside bathing beach directly across the river from Winona.

People like us make 3.7 million visits per year to the Refuge to hunt, fish, watch wildlife, boat, canoe, camp, or just walk. That's because the Refuge is not put away behind a fence or distant from the cities that dot the river. It's our backyard. That's why it's so heavily used by families, schools, colleges, youth groups such as Boy Scouts and Girl Scouts, and many others. If you drive through my town—Winona, Minnesota—or through other towns and cities along the river, you'll see boats on trailers parked in side-yards, driveways, and often on the street. They're fishing boats with rod holders and trolling motors, pleasure boats with picnic and swimming gear, or hunting boats painted camo and surrounded by a cattail fence, or airboats used by trappers. Inside our garages, in the backyard, or on the side of the house you'll find canoes and kayaks.

Any week of the year that you go out into the Refuge, you'll find people: a couple of dozen anglers in boats and on shore at a pool below a dam (the Refuge receives more than 1 million visits annually for fishing), a group of boats pulled up on the sandy beach of an island to swim and picnic on a summer day (more than 1.3 million visits for such activities), bunches of duck hunters heading out from landings on a fall morning (300,000 waterfowl hunters), or birdwatchers lining the sides of an observation platform (300,000 visit to observe wildlife or for education). And they're not just in the easy-to-reach places. You've canoed far back into a remote maze of islands, pulled your ice-fishing sled as far down a channel as you can stand, or stalked through the forest with your gun until you may be lost. And you think you're alone.

Around the corner comes another person, maybe doing the same thing you are, but just as likely there for another reason. But they wouldn't be there if the Refuge was not.

The Austerity in which the Upper Miss Refuge Operates
The Refuge is understaffed for many positions and has been for years. For example, four law-enforcement officers patrol 261 miles of river and 240,000 acres over four states with over 3.7 million visitors. That is an impossible task. Not only is that level of enforcement inadequate for the safety and protection of visitors and wildlife, but it is a threat to the officers themselves. The officers patrol alone and are often far from other enforcement agencies. Imagine how it feels to cruise toward an isolated island beach at night to confront 100 intoxicated people—and you're alone. For another example, two Rangers and four Visitor Services Coordinators plan and carry out activities with thousands of visitors and must often simply say no to requests for programs from schools, youth groups, and many others.

Other key positions are simply vacant. The Refuge has 51,000 acres of floodplain forest but no Forester, getting guidance instead from the Corps of Engineers Forester. Yet those same forests are declining due to invasive insects, plants, and trees such the Emerald Ash Tree Borer beetle, Buckthorn shrub, Oriental Bittersweet vine, and Black Locust tree. There is likewise no Fisheries Biologist, a position that provides a crucial link to states. Thus the Refuge has little or no say in fish management, fishing tournaments, commercial fishing, fishing seasons, fishing methods, or even catch limits, though fishing is an extremely popular activity on the Refuge and has large impacts on it.

In other cases lack of funding means the Refuge cannot carry out its obligations. Currently the Refuge has authorized more than $2 million for land acquisition through the LWCF and has land acquisitions waiting for appraisals, signed purchase agreements, or final closing to fulfill its obligations for these funds. Even in the face of a looming threat such as invasive Asian Carp, which have caused severe harm to native fish populations and injuries to boaters in areas where they have proliferated, the Refuge staff has too little money to take more than token action. In sum, the Refuge cannot carry out its own goals and this underscores the need to increase the Operations and Maintenance Budget.

Consequences of the Sequester Cuts for the Upper Miss Refuge
The sequester cuts are affecting all work on the Refuge, whether it's maintenance, biology, inventory, habitat management, visitor services, enforcement, or other. In each area, less is being done. I will give three specific examples. First, seasonal hiring for summer field work has been reduced by 3/4s. Much fieldwork not be done, including control of invasive plants and controlled burns to improve or restore habitat and lower fire danger. Also, most of these seasonal employees are young people and now veterans acquiring experience and skills for future employment. Second, because comp time has been eliminated, the Refuge has reduced its outreach programs for the general public during weekends and evenings. The result is less education, interpretation, and recreation for children and adults, fewer contacts between Refuge staff and volunteers and local citizens, and a decrease in tourists who support local economies. Third, sharp restrictions on overnight travel have meant that Refuge staff are foregoing some types of training or not taking part in regional or national gatherings where they share their research findings or techniques. Both mean that Refuge staff are less able to carry out their jobs.

Consequences of a 10% Budget Reduction for the Upper Miss Refuge
The Refuge is already understaffed and working with an austere budget. To carry out a further cut of 10%, the Refuge would eliminate special hunts for the disabled, youth, and others requiring special accommodations. All weekend environmental education and interpretation programs would be eliminated. Visitor centers would not provide weekend or evening hours for the public. In addition, there would be reductions in environmental education programs for schools, weekend outreach/interpretation programs regarding fish and wildlife and other refuge programs, restoration projects with state and other federal agencies, oversight of trust species (bald eagle, endangered species), and law enforcement including search and rescue operations, drug enforcement and accident investigations, hunting and fishing contacts, refuge trespassing, and habitat destruction. Clearly, these actions will have harmful consequences for wildlife and for the people who use the Refuge, and they can be avoided.

Economic Benefits of the Upper Miss Refuge
The authors of an economic study that is now nine years old[1] found that the Refuge generated over $19 million annually in expenditures and economic value, $98 million in economic output, 1,266 jobs with an income of $21.4 million, and federal, state and local taxes of $10.4 million. Given the importance of Refuge to the economies in four states and in the lives of the several million people who use it, the budgets for the two refuges is remarkably small. So funding of the Refuge has huge leverage. That's one of the reasons why reducing the budget will have such large negative consequences and increasing the budget would have similarly large positive consequences.

Public Commitment to the Upper Miss Refuge
The people who use it have strong feelings about the Upper Miss Refuge. We truly care, because it's a big part of our lives. That Refuge is part of our regional heritage, just as the National Wildlife Refuge System is part of our national heritage. We also have strong expectations for it. We want it taken care of so that it's there not just for us, but also for our children and grandchildren and beyond. When people in this region learned last month that all three species of Asian carp had been caught in the river in one day by commercial fishermen, we were scared, depressed, and to be honest, angry. Because those fish threaten the Refuge that we care about so much, we saw that threat coming years ago, and there was a failure to address it.

We're also willing to pay for management of the Refuge. In 2008, by statewide referendum, Minnesotans voted by a large margin to increase our sales tax by 3/8ths of one percent for three decades. 80% of the new revenues are dedicated to protecting, restoring, and improving wildlife habitat, surface waters and ground water, and parks and trails. Iowans passed a similar amendment in 2010, but are waiting on their Legislature to put their wishes into action. I'm confident the voters of Wisconsin would do the same if they had the opportunity, as would the voters of many other states. We Americans care deeply about our lands, waters, and wildlife. Doing so is a proud part of our history, as evidenced by more than a century of commitment to our National Wildlife Refuge System. We ask that you carry on this tradition.

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[1] Caudill, J. 2004a. The Economic Effects of the Upper Mississippi River National Wildlife and Fish Refuge: Baseline and Effects of Alternatives. U.S. Fish and Wildlife Service, Arlington, VA. 32 pp.

Testimony of Bill Durkin, President
Friends of Rachel Carson NWR
In Support of Funding for the National Wildlife Refuge System
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

April 25,2013

Mr. Chairman and Honorable Members of the Subcommittee: I am Bill Durkin, President of the Friends of RCNWR in Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 22 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general funding of the System. I thank you all for your consideration.

*** 1.We are requesting an overall funding level of $499 Million in FY 2014 for the operations and maintenance budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. An investment in the nation's Refuge System is an excellent investment in the American economy. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized. We fully supported the President's request of $499 Million for O&M for the NWRS.

**** 2. The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, LWCF needs to be funded at the $700 Million level. Created in 1965 and authorized at $900 million per year (more than $3 billion in today's dollars), the LWCF is our most important land and easement acquisition tool. . The President has included meaningful increases to the program in his FY 2014 budget, and I support the Administration's commitment to fully funding the program in the near future. I urge a minimal commitment of $300 Million to the National Wildlife Refuge System. This wise investment in the Land and Water Conservation Fund is one that will

permanently pay dividends to the American people and to our great natural and historical heritage.

The Land and Water Conservation Fund should be fully funded at $900 million annually - the congressionally authorized level. LWCF is good for the economy, it is good for America's communities and their recreational access and it is critical for our public lands.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best seller The Sea Around Us. This landmark study, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it, the refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast. This year, we will be celebrating the 50th anniversary of Rachel Carson's publication of her historic book, Silent Spring.

I again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate $499 million for the Refuge System's FY14 Operations & Maintenance (O&M) budget, and fund the LWCF at the $700 million level. The LWCF request is constant every year, we need Congress to standby their commitment that was made in 1964 : stabilize the fund.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and it's habitat. Enjoy your next walk out on a National Wildlife Refuge.

Bill Durkin
President
Friends of Rachel Carson National Wildlife Refuge
PO Box 117
Biddeford Pool ME 04006

Leigh Ann Vradenburg, Executive Director
The Friends of the Bosque del Apache National Wildlife Refuge
P.O. Box 340
San Antonio, New Mexico 87832

WRITTEN TESTIMONY
TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
CONCERNING FY 2014 APPROPRIATIONS
April 24, 2013

Mr. Chairman and Members of the Subcommittee:

The Friends of the Bosque del Apache National Wildlife Refuge (New Mexico) would like to thank the committee for giving us the opportunity to submit testimony in support of the National Wildlife Refuge System (NWRS). As the Executive Director of the Friends of the Bosque del Apache National Wildlife Refuge, I submit this testimony to offer comments on the fiscal year 2014 (FY 2014) Interior Appropriations Bill on behalf of our Board of Directors and our more than 1,000 members. Specifically, we request a funding level of **$499 million for the U.S. Fish and Wildlife Service National Wildlife Refuge System and $900 million for the Land and Water Conservation Fund.**

In Chairman Simpson's opening statement for the FY14 Budget Hearing for the Fish and Wildlife Service he asked about the "have-to-do's" citing the subcommittee's other responsibilities for Native American education, health and safety; drinking water; and natural disasters. The National Wildlife Refuge System (NWRS), with more than 150 million acres of managed land and water, has direct and indirect impacts on all of those issues and many more beyond the scope of the subcommittee. While separate programs for Native Americans are essential and inherently different than the purposes of national wildlife refuges, many refuges work closely with the tribes. The benefits to the American people described below include all people, and may be especially relevant to the tribes as their history and culture are intimately tied to the land.

Much has been said about the importance of refuges and the purposes for which they were created – habitat and water management, invasive species control, and endangered species protection – as well as the value they have for the American people for outdoor recreation. Therefore, for the purpose of this testimony I will address the additional impacts of national wildlife refuges, covering Chairman Simpson's topics as well as the impact to local economies.

Applications to Education in an Impoverished and Underserved Community
New Mexico ranks next to last in the nation on standardized assessment tests, and almost 50% of the students in rural Socorro County are impoverished and eligible for free or reduced price lunches. Students are at a significant disadvantage when it comes to environmental education –

many schools are "teaching to the test", shunting already-limited funding away from special programs and enrichment activities. However, there is overwhelming evidence that even limited exposure to the outdoors can greatly enhance learning and cognitive skills. Environmental education, when integrated into the curriculum, has quantitative impacts on student achievement not only in science, but in reading, math, and social studies. Additional benefits include reduced classroom management problems, increased engagement and enthusiasm for learning, greater parental involvement and support, and greater student pride in learning and achievements. The Friends of the Bosque and the refuge have been working for more than eight years with our local elementary school to incorporate environmental education into their science, reading, math, and art programs. This integration ensures that no subjects/programs are sacrificed, but rather reinforced with real world examples through multiple lessons at the refuge. Since 2011 we have focused an intensive program on the 2nd and 3rd grades, spending more than 100 hours in class and on the refuge spread over three seasons. In 2012, these 3rd grade students at San Antonio Elementary scored significantly higher on the New Mexico Standards Based Assessment tests than the rest of the school district and the average for the state (Proficiency percentage for **San Antonio**, Socorro School District, and New Mexico respectively: Math **73**,35,53; Reading **64**,50,52; Science **100**,85,83). Whereas it is unlikely that the environmental education program was totally responsible for this success, a moderate level of association is appropriate, and moreover, the time-intensive program did not detract from the school's ability to effectively cover the standards. Visitor Services, specifically youth programs, at national wildlife refuges must receive adequate funding to 1) evaluate ways in which environmental education programs can be integrated with school curriculum and standards, and 2) provide staffing and volunteer support to get children outdoors in a unique context for learning, helping to define their perceptions of the natural world and reinforcing the linkage between healthy people and healthy environments.

Human Health and Safety – Refuge Fire Programs and Law Enforcement

When it comes to human health and safety, the importance of refuge fire prevention and suppression and law enforcement cannot be overstated. More than 50% of all new housing in the last decade was constructed in wildland urban interface areas, increasing fire risk and need for protection around refuges. The National Wildlife Refuge System is committed to protecting community infrastructure – parks, utilities, and watersheds – as well as neighboring homes and local businesses in more than 700 communities across the country. The NWRS is a leader among agencies in the number of acres of hazardous fuels treated annually. **The NWRS treats fuels at the lowest cost per acre of any agency**, due to staff expertise, low administrative costs, and the rarity of NEPA related appeals due to effective collaboration and trust built with local stakeholders. Existing and encroaching development adjacent to refuges creates a pressing need for more prescribed fire and other fuels treatments in order to protect communities. In addition to fuel reduction, fire suppression on and off refuges is a tremendous benefit to the American people. In 2008 when fires raged along the Rio Grande in San Antonio north of Bosque del Apache NWR, refuge fire fighters and heavy equipment operators jumped into action to make fire breaks and save homes – my home. Years of drought, high winds, and nearby stands of the invasive and fast burning salt cedar brought fire nearly to my doorstep. Without the quick and skilled response of the fire and maintenance crews from the refuge, I have no doubt that many homes in my community would have been lost.

Refuge law enforcement is essential to providing a safe environment for refuge staff, visitors, and local residents. In addition to threats to wildlife, habitat, and waterways, refuge officers must guard against vandalism/theft, illegal dumping onto our lands and into our waters, drug abuse/cultivation/trafficking, weapons violations, liquor law violations, traffic violations, and illegal border activity. Federal Officers on refuges number fewer than they did 12 years ago, yet the System has grown by more than 50 million acres. In New Mexico we have only **one full time law enforcement officer to cover nine properties totaling 390,000 acres**. Although refuges are his primary responsibility, he is also responsible for enforcing the Endangered Species Act, the Lacey Act, the Migratory Bird Treaty Act, and other laws on public and private lands across the state. Here in the Southwest, USFWS partnerships with US Customs and Border Protection are working to make our refuges and our communities safe from human and drug trafficking. In 2012 at Cabeza Prieta NWR (AZ) alone, **more than $32 million in illegal drugs were seized and more than 7,000 arrests were made**. Without adequate funding for proper law enforcement coverage on refuges, we are not only putting lives and property at risk, we are providing millions of acres of havens for illegal activity.

Water Quality Provisioning

Water quality improvements are an inherent benefit of wetlands. With **more than 32,000,000 acres of wetlands in the NWRS** across the US, the System has a tremendous impact on the quality of water that ends up in our drinking supply. In a study by the University of Georgia published in 2012, **water quality provisioning by wetlands at Bosque del Apache and nearby Sevilleta NWR's has a gross economic value of $380,000 per year, or $76/acre**. Even greater are the benefits of expansive wetland systems in high population density areas, such as Okefenokee NWR and Blackwater NWR, with estimated economic values of $45 million and $4 million, respectively. With encroaching development and an ever increasing demand and stress on our water resources, long term strategic planning must include funding to maintain wetlands for the economic benefit of our communities. We can reduce the burden on our drinking water treatment systems by maintaining the functionality of our existing wetlands and providing for the purchase and restoration of wetlands through programs such as the Land and Water Conservation Fund and the North American Wetlands Conservation Fund.

Natural Disaster Mitigation and Response

Refuges not only preserve lands but prevent unwise private development in disaster prone areas, such as floodplains and coastlines. Wetlands and estuaries protected and managed by the NWRS along our nation's coasts act as key buffers, protecting our coastal communities by slowing the progress of storm surges. As former Director of the USFWS Dale Hall said in a hearing on the impacts of hurricanes Katrina and Rita on the National Wildlife Refuge System,

> "...we must keep in mind that while levees protect people, wetlands protect both people and levees. Wetland restoration must be a part of any rebuilding plan if we are to address future risks to human safety."

Additionally, staffing, equipment, and resources at the refuges have been critical in immediate responses to disasters such as Sandy and Katrina. In response to Hurricane Katrina, the Service established an Incident Command Post at Big Branch Marsh National Wildlife Refuge, providing housing for more than 150 staff and volunteers as well as more than 20,000 meals. Work crews opened access to the Louisiana Heart Hospital and cleared more than 14 miles of roads, 318 driveways and 7.5 miles of canal and drainage ditches, disposed of 106 truckloads of debris, and

cleared 11 miles of Wildland Urban Interface fire breaks. Working cooperatively with other agencies, including the Louisiana Department of Wildlife and Fisheries, they participated in **rescuing more than 4,500 people**. Investment in restoring and maintaining these refuges is an investment in natural disaster mitigation and response that will save communities and lives.

Economic Impact

In FY 2012 the **Friends of the Bosque contributed $453,000** to programs and activities to help the refuge meet their objectives, and **volunteer time accounted for another $833,000** in manpower to maintain refuge operations. These numbers not only demonstrate that we are doing everything within our means to support and promote this place that we love, but they also demonstrate how our 1,000+ members believe this refuge is critical to the future of our country, our wildlife, and our next generation.

Volunteer organizations such as the Friends provide laudable and needed supplements to the NWRS, including more than 20% of the workforce, but should not be looked to as substitutes for the refuge programmatic and operational support that is a proper Federal responsibility. Our commitment to the Bosque del Apache National Wildlife Refuge has allowed us to supplement the economic and educational opportunities for our region. However, with current budgetary trends, we cannot provide a stopgap that will protect our community from a severe and perpetual economic hit. Bosque del Apache NWR has often been described as the "Jewel of New Mexico" – a description that applies not only to the amazing natural resource that is the Bosque, but also to the refuge's role as an economic engine. The economic impact of the Bosque del Apache NWR in New Mexico is significant, as **recreational visits to the refuge generate over $4.5 million in tax revenue for the region**. For every $1 of the refuge budget, there is a local economic effect of nearly $8. The refuge's Festival of the Cranes, now in its 26th year, is the single greatest income generating event for the county, accounting for $2 million annually. The refuge's role in our community, in our economy, and in the broader mission of restoring and preserving our natural heritage is why we must do what we can to help it thrive. As our cities grow and water demands increase, future generations will need the Bosque del Apache NWR and the lessons it is teaching us to help us appreciate the delicate ecological balance that exists in the Southwest and beyond. We can never underestimate the importance of national wildlife refuges to our children's futures, to the environment, and to our economies.

We encourage you to help us make a difference by funding the National Wildlife Refuge System at $499 million in FY 2014, and by ensuring that the Land and Water Conservation Fund is fully funded.

Thank you for your time and consideration, and please contact me if you have any further questions.

Sincerely,

Leigh Ann Vradenburg (via email)
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Power by Association

Written Statement
Submitted by Thomas R. Kuhn
President
Edison Electric Institute
Regarding Fiscal Year 2014 Appropriations
Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
April 25, 2013

The Edison Electric Institute (EEI) respectfully submits this written testimony for the record to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies. We appreciate this opportunity to share our views on some of the fiscal year 2014 programs for the Environmental Protection Agency (EPA).

The U.S. electric generation fleet is facing numerous challenges as a result of a range of EPA requirements. These EPA regulations include pending rulemakings on Clean Water Act section 316(b) cooling water intake structures, coal ash disposal, regional haze, steam-electric effluent limitation guidelines, and greenhouse gas new source performance standards, as well as other significant pending Clean Air Act regulations. These requirements are dramatically affecting individual utility decisions regarding the construction of new generation and the retrofitting and retirement of existing plants. Therefore, I am sharing with you our views on a number of these proposals that could significantly impact the ability of electric utilities to ensure an adequate, reliable and affordable supply of electricity for consumers.

Clean Water Act Section 316(b) Cooling Water Structures Rule

In April 2011, EPA issued a proposed rule under Section 316(b) of the Clean Water Act. The proposed rule, which EPA must finalize by June 27, 2013, will require changes in "cooling water intake structures," physical structures through which cooling water is withdrawn, for the vast majority of America's existing steam-electric generating plants and a wide range of manufacturing and industrial facilities. The proposed rule focuses on reducing fish and shellfish mortality attributable to "impingement" on intake structure screens and "entrainment" into cooling water systems. The proposal will have significant negative environmental, energy, cost, and local reliability impacts on a minimum of 650 electric generation facilities across the country.

Under the proposed rule, some facilities may be compelled to retrofit cooling towers at a nationwide cost estimated to be as high as $100 billion. Many facilities will be required to retrofit technology, the costs of which will far exceed the benefits, potentially making those generating units uneconomic. The proposed impingement standards are not achievable at all existing facilities, and there is no valid environmental or biological justification for precluding site-specific flexibility for impingement as EPA has proposed for entrainment. The agency's first Notice of Data Availability (NODA) concerning impingement mortality proposed a number of changes in the rule to address these concerns, such as allowing more flexibility and the inclusion of pre-approved technologies. EEI supports many of these proposed changes, as well as the proposed rule's site-specific approach to entrainment reduction, and we continue to oppose any mandate to retrofit facilities with closed-cycle cooling.

However, EEI is very concerned with EPA's second NODA, which proposes the use of a public opinion survey as a surrogate for well-established biological and economic analyses to estimate expected regulatory benefits. Industry does not believe willingness-to-pay surveys of this type are an appropriate tool for use in a national or regional context and should not be used by EPA to justify its final 316(b) rule. Further, the survey that EPA completed was flawed, misleading and inaccurate. It should therefore not be used to shape or implement the rule. EEI strongly urges the Subcommittee to encourage EPA not to rely on the willingness-to-pay survey.

Coal Combustion Product Regulation

EPA's Coal Combustion Residuals (CCR) rule is currently in proposed form. The agency has stated it wants to finalize the measure in 2014. EEI continues to advocate for the non-hazardous regulation of coal ash and is working to build bipartisan support for enactment of legislation during the 113th Congress.

In October 2011, the House of Representatives passed H.R. 2273, the Coal Combustion Residuals and Management Act, legislation that would have established minimum federal requirements for the management and disposal of coal ash designed to protect safety, human health and the environment. The federal criteria would have been administered by states through enforceable permits and by EPA if a state failed to meet the federal baseline. The House included H.R. 2273 in the Surface Transportation Extension Act of 2012. Bipartisan, bicameral compromise coal ash provisions were developed during the House-Senate conference on the transportation bill; however, coal ash provisions were not included in the conference agreement. In August, 24 senators—12 Democrats and 12 Republicans—introduced S. 3512, a bill virtually identical to the bipartisan CCR legislative package that was considered by Congress for inclusion in the transportation legislation. The text of S. 3512 passed the House in September 2012 as part of a separate legislative package.

EEI urges Subcommittee support for a non-hazardous regulatory program for CCRs similar to the provisions contained in S. 3512. Such an approach would build on existing state regulatory programs and ensure proper disposal of CCRs in a cost-effective manner and without unintended consequences.

Regional Haze Program

The Clean Air Act's Regional Haze program requires states to design state implementation plans (SIPs) with the intent of gradually making "reasonable progress" toward meeting a national goal of preventing future, and remedying existing, impairment of visibility in national parks over the next five decades. In part, states show reasonable progress toward this goal by requiring major stationary sources of emissions, like electric generating units, to install the "best available retrofit technology" (BART).

The Clean Air Act requires states to consider several factors when determining BART for a particular source. In 2005, EPA adopted guidelines to help states make BART determinations. These guidelines govern how EPA is to determine BART for a particular source. In cases where EPA has determined that a SIP does not meet minimum criteria, the agency may in some cases implement a federal implementation plan (FIP) for that state.

EPA continues to take action on state regional haze plans and BART determinations. EEI and numerous member companies are engaging with the agency and other Administration officials on both a programmatic and state-by-state basis.

In its implementation of the program, EPA is using outdated regulatory tools to assess projected air quality improvements and compliance costs. Last year, the House Appropriations Committee approved legislative language supported by EEI to address this problem. It stated that EPA should work with industry and other stakeholders to quickly update its regional haze tools and refrain from making important regulatory decisions based on outdated models and manuals.

EEI urges the Subcommittee to adopt legislative language like that included by the full House Committee last year requiring EPA to update its regional haze tools related to modeling air quality and estimating costs of environmental controls.

Effluent Limitations Guidelines Rulemaking

Pursuant to a court order, on April 19, EPA released a proposed revision to the existing steam electric effluent limitation guidelines (ELGs), which it must finalize by May 2014. The proposal includes preferred options that would set strict performance standards that will force technological and operational changes at existing coal-based, nuclear, and natural gas-based combined-cycle generation facilities.

Wastewater treatment systems generally cost in the tens to hundreds of millions of dollars, depending on the size of the facility. The costs of wastewater treatment under the rule will vary

according to the chosen technology, the volume of wastewater to be treated, and the level under EPA's revised ELGs of pollutant reduction required. The rule also could entail significant costs for converting to dry handling of fly ash at facilities that currently use wet handling. EEI estimates the cost of wet-to-dry conversion of fly ash handling to be $43 billion over 20 years.

In addition, EPA is looking at equally stringent and costly measures for six other waste streams at steam electric facilities. For example, the rule may require conversion of wet bottom ash handling to dry bottom ash handling and the physical/chemical biological treatment of ash landfill leachate. In certain circumstances, the preferred options may entail other significant costs, including the cost of treating water used to wash trucks and other equipment at all steam electric generating facilities as if it were a chemical solvent.

The cumulative cost impact of the effluent guidelines rule could be in the hundreds of billions of dollars. As a result, EEI requests the Subcommittee to ensure that EPA bases its decisions on credible data and a full consideration of the economic challenges and obligations of the industry as a whole.

Greenhouse Gas New Source Performance Standards

EPA is expected to finalize greenhouse gas (GHG) new source performance standards (NSPS) for new fossil fuel-based units late in 2013, perhaps after issuing a revised proposal. EEI's 2012 comments on EPA's proposed standards expressed concern that the NSPS effectively precludes the building of new coal-based power plants and that, in many circumstances, even new natural gas combined-cycle (NGCC) units will have problems meeting the standard continually under normal, real-world operating conditions. Among other comments, EEI urged EPA to set a separate standard for new coal-based power plants and to raise the emissions standard for new NGCC units or take other steps to address NGCC concerns.

Once EPA finalizes the new source standards, it is expected to develop draft state guidelines for existing (and probably modified and reconstructed) plants (collectively referred to as "existing plants") under section 111(d) of the Clean Air Act. It is important that any rulemaking minimize the impact on existing electric generating units that are already making significant investments to comply with the Mercury and Air Toxics (MATS) rule.

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Association of State Drinking Water Administrators

Testimony to the House Appropriations
Subcommittee on Interior, Environment, & Related Agencies for EPA Funding
April 17, 2013

Who We Are: The Association of State Drinking Water Administrators (ASDWA) represents the state drinking water programs in the fifty states, territories, District of Columbia, and the Navajo Nation in their efforts to provide safe drinking water to more than 275 million consumers nationwide.

Summary of Request:

ASDWA respectfully requests that, for FY 14, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance; that ensure appropriate public health protection; and that will result in enhancing economic stability and prosperity in American cities and towns. ASDWA requests $200 million for the Public Water System Supervision (PWSS) program; $1.387 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and $10 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and their justification follows.

How States Use Federal Funds:

Public Health Protection: States need increased Federal support to maintain overall public health protection and to support the needs of the water systems they oversee. State drinking water programs strive to meet public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water utilities to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities in the area of water system security that include working with all public water systems to ensure that critical drinking water infrastructure is protected; that plans are in place to respond to both natural and manmade disasters; and that communities are better positioned to support both physical and economic resilience in times of crisis.

Vibrant and sustainable communities, their citizens, workforce, and businesses all depend on a safe, reliable, and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. Over 90% of the population receives water used for bathing, cooking, and drinking from a public water system – overseen by state drinking water personnel. Firefighting also relies on potable water from public water systems to ensure public safety. Even people who have their own private wells will visit other homes, businesses and institutions served by a public water system. As important as public water systems are to the quality of water we drink and our health, the majority of water produced by public water systems is used by businesses for a variety of purposes, including processing, cooling, and product manufacturing. The availability of adequate supplies of water is often a critical factor in attracting new industries to communities. Public water

systems -- and the cities, villages, schools, and businesses they support -- *rely on state drinking water programs* to ensure they are in compliance with all applicable Federal requirements and the water is safe to drink. Several incidents in the U.S. over the past several years that have led to illnesses or deaths from unsafe drinking water serve as stark reminders of the critical nature of the work that state drinking water programs do every day and the dangers of inadequately funded programs,

The PWSS Program: To meet the requirements of the Safe Drinking Water Act (SDWA), states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for over 155,000 public water systems to ensure potential health-based violations do not occur or are remedied in a timely manner. Over 90 contaminants are regulated in Federal drinking water regulations and the pace of regulatory activity has accelerated in recent years. Beyond the more than 90 contaminants covered by Federal drinking water regulations, states are also implementing an array of proactive initiatives to protect public health from "the source to the tap." These include source water assessments and protections for communities and watersheds; technical assistance with water treatment and distribution for challenged utilities; and enhancement of overall water system performance capabilities. In recent years, states have also taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water *quantity*. In short, state activities go well beyond simply ensuring compliance at the tap – and, they perform all of these tasks more efficiently and cheaply than would be the case if the program were Federally implemented. In short, well supported state programs are a "good deal" for America.

The DWSRF Program: Drinking water in the U.S. is among the safest and most reliable in the world, but it is threatened by aging infrastructure. Through loans provided by the DWSRF, states help water utilities overcome this threat. The historical payback to the DWSRF on this investment has been exceptional. In the core DWSRF program, $12.4 billion in cumulative capitalization grants and $2 billion in American Reinvestment and Recovery Act (ARRA) funds since 1997 have been leveraged by states into nearly $22 billion in infrastructure loans to small and large communities across the country. Such investments pay tremendous dividends -- both in supporting our economy and in protecting our citizens' health. Some state drinking water programs have also used DWSRF funds to support the technical assistance and training needs of numerous small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA.

State Drinking Water Security Responsibilities: State drinking water programs are critical partners in emergency planning, response, and resiliency at all levels of government. State primacy agencies provide key resources and critical support -- regardless of whether the emergency is rooted in terrorism, natural disasters, or cyber intrusions. States continually work toward integrating security considerations throughout all aspects of their drinking water programs.

Why Increased Funding is Urgently Needed:

State Drinking Water Programs are Hard Pressed and the Funding Gap Continues to Grow: States must accomplish all of the above-described activities -- and take on new responsibilities -- in the context of the continuing economic downturn. This has meant operating with less state-provided financial support – which has historically compensated for inadequate Federal funding. State drinking water programs have often been expected to do more with less and states have always

responded with commitment and ingenuity. However, state drinking water programs are stretched to the breaking point. Insufficient Federal support for this critical program increases the likelihood of a contamination event that puts the public's health at risk. Although the 1996 SDWA Amendments authorized the PWSS Program at $100 million per year, appropriated amounts have only recently reached that authorized level – a level that now, more than 16 years from the date of those amendments, falls far short of the amount needed. $100.5 million was appropriated for the PWSS program in FY 13 (but may be further reduced once the details of the FY 13 Continuing Resolution, with sequestered amounts, are known) and the Administration requested only $109.7 million in FY 14. These amounts are woefully inadequate for the enormity of the task faced by state drinking water programs. We believe, based on our assessments of every state's need, that *at least twice that amount is needed.* Inadequate Federal funding for state drinking water programs has a number of negative consequences. Many states are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA, which is also challenged by the Agency's own resource constraints and lack of "on the ground" expertise. This situation has created a significant implementation crisis in several regions of the country and is ultimately delaying implementation of critically needed public health protections.

State's Drinking Water Infrastructure Investment is Well below Documented Need: In 2013, the Association of Civil Engineers gives the nation's water infrastructure a D grade and EPA's most recent National Drinking Water Infrastructure Needs Survey (2007) indicated that drinking water system infrastructure needs total $334.8 billion over the next 20 years. The American Water Works Association recently estimated that 20 year need at $1 trillion. Investment is needed for aging treatment plants, storage tanks, and the pumps that move water through a water system. The great majority of infrastructure investment, however, is for the pipes that carry water to our nation's homes, businesses and schools. Many states are heavily focused on efforts to sustainably fund water infrastructure which includes looking at increased, but still affordable, rates as well as reducing demand through asset management and other techniques used in the private sector. States are also looking at state level funding sources to augment federal assistance. The DWSRF must continue to be a key part of the solution to the nation's infrastructure crisis.

FY 14 Request Levels and SDWA Program Obligations:

The PWSS Program: The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been essentially "flat-lined" or included only meager increases. Inflation has further eroded these inadequate funding levels. States want to offer the flexibilities allowed under existing rules/requirements to local water systems; however, fewer state resources mean less opportunity to work one-on-one with water systems to meet their individual needs.

ASDWA respectfully requests that the FY 14 funding for the PWSS program be appropriated at $200 million. *This figure begins to fill the above-described resource gap and is based on the expense of implementing new drinking water rules, taking on a number of other new initiatives, and accounting for the eroding effects of inflation. We further recommend that Congress not allow any Federal funds already appropriated to state drinking water programs to be rescinded.*

The DWSRF Program: States were very encouraged by the $1.387 billion appropriated for the DWSRF in FY 10 but are disappointed at the subsequent downward trend -- $963 million in FY 11, $919 million in FY 12, $853.77 million for FY 13 (a figure not seen since 2006), and $817 million requested by the Administration for FY 14. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy, as explained above. States have very effectively and efficiently leveraged Federal dollars with state contributions to provide assistance to more than 8,500-projects, improving health protection for millions of Americans. According to recent figures, this equals a 177.4% return on the Federal investment. Approximately 72 percent of projects and 38 percent of assistance has been provided to *small communities* (serving less than 10,000 people). In light of these indicators of success and documented needs, we believe funding at the $1.387 billion level will better enable the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

ASDWA respectfully requests $1.387 billion in FY 14 funding for the DWSRF program.

Security Responsibilities: After seven years of supporting state security programs through a small grant of approximately $5 million in EPA's appropriation FY 02 through FY 08), *no funds* have been provided for this purpose since FY 09 and none are requested for FY 14. State drinking water programs need funds to continue to maintain and expand their security activities, particularly for small and medium water systems and to support utility-based mutual aid networks for all drinking water systems. It is very difficult to understand why this grant has been zeroed out of EPA's proposed budget. Given the realities and the lessons learned from Hurricane Sandy and other storms as well as chronic drought throughout many parts of the Nation, , state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. States continue to expand their efforts to reflect a more resilient "all hazards" approach to water security and to focus their efforts toward smaller water systems.

ASDWA respectfully requests $10 million in FY 14 funding for the state security initiatives. *These funds would be commensurate with the security tasks state drinking water programs must take on.*

Conclusion: *ASDWA respectfully recommends that the Federal FY 14 budget needs for states' role in the provision of safe drinking water be adequately funded by Congress. A strong state drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory, infrastructure, and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2014, ASDWA asks that the promise of that support be realized.*

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Power by Association

Edison Electric Institute

Written Statement
Submitted by Thomas R. Kuhn
President
Edison Electric Institute
Regarding Fiscal Year 2014 Appropriations
Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
April 25, 2013

The Edison Electric Institute (EEI) respectfully submits this written testimony for the record to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies. We appreciate this opportunity to share our views on some of the fiscal year 2014 programs for the Environmental Protection Agency (EPA).

The U.S. electric generation fleet is facing numerous challenges as a result of a range of EPA requirements. These EPA regulations include pending rulemakings on Clean Water Act section 316(b) cooling water intake structures, coal ash disposal, regional haze, steam-electric effluent limitation guidelines, and greenhouse gas new source performance standards, as well as other significant pending Clean Air Act regulations. These requirements are dramatically affecting individual utility decisions regarding the construction of new generation and the retrofitting and retirement of existing plants. Therefore, I am sharing with you our views on a number of these proposals that could significantly impact the ability of electric utilities to ensure an adequate, reliable and affordable supply of electricity for consumers.

Clean Water Act Section 316(b) Cooling Water Structures Rule

In April 2011, EPA issued a proposed rule under Section 316(b) of the Clean Water Act. The proposed rule, which EPA must finalize by June 27, 2013, will require changes in "cooling water intake structures," physical structures through which cooling water is withdrawn, for the vast majority of America's existing steam-electric generating plants and a wide range of manufacturing and industrial facilities. The proposed rule focuses on reducing fish and shellfish mortality attributable to "impingement" on intake structure screens and "entrainment" into cooling water systems. The proposal will have significant negative environmental, energy, cost, and local reliability impacts on a minimum of 650 electric generation facilities across the country.

Under the proposed rule, some facilities may be compelled to retrofit cooling towers at a nationwide cost estimated to be as high as $100 billion. Many facilities will be required to retrofit technology, the costs of which will far exceed the benefits, potentially making those generating units uneconomic. The proposed impingement standards are not achievable at all existing facilities, and there is no valid environmental or biological justification for precluding site-specific flexibility for impingement as EPA has proposed for entrainment. The agency's first Notice of Data Availability (NODA) concerning impingement mortality proposed a number of changes in the rule to address these concerns, such as allowing more flexibility and the inclusion of pre-approved technologies. EEI supports many of these proposed changes, as well as the proposed rule's site-specific approach to entrainment reduction, and we continue to oppose any mandate to retrofit facilities with closed-cycle cooling.

However, EEI is very concerned with EPA's second NODA, which proposes the use of a public opinion survey as a surrogate for well-established biological and economic analyses to estimate expected regulatory benefits. Industry does not believe willingness-to-pay surveys of this type are an appropriate tool for use in a national or regional context and should not be used by EPA to justify its final 316(b) rule. Further, the survey that EPA completed was flawed, misleading and inaccurate. It should therefore not be used to shape or implement the rule. EEI strongly urges the Subcommittee to encourage EPA not to rely on the willingness-to-pay survey.

Coal Combustion Product Regulation

EPA's Coal Combustion Residuals (CCR) rule is currently in proposed form. The agency has stated it wants to finalize the measure in 2014. EEI continues to advocate for the non-hazardous regulation of coal ash and is working to build bipartisan support for enactment of legislation during the 113th Congress.

In October 2011, the House of Representatives passed H.R. 2273, the Coal Combustion Residuals and Management Act, legislation that would have established minimum federal requirements for the management and disposal of coal ash designed to protect safety, human health and the environment. The federal criteria would have been administered by states through enforceable permits and by EPA if a state failed to meet the federal baseline. The House included H.R. 2273 in the Surface Transportation Extension Act of 2012. Bipartisan, bicameral compromise coal ash provisions were developed during the House-Senate conference on the transportation bill; however, coal ash provisions were not included in the conference agreement. In August, 24 senators—12 Democrats and 12 Republicans—introduced S. 3512, a bill virtually identical to the bipartisan CCR legislative package that was considered by Congress for inclusion in the transportation legislation. The text of S. 3512 passed the House in September 2012 as part of a separate legislative package.

EEI urges Subcommittee support for a non-hazardous regulatory program for CCRs similar to the provisions contained in S. 3512. Such an approach would build on existing state regulatory programs and ensure proper disposal of CCRs in a cost-effective manner and without unintended consequences.

Regional Haze Program

The Clean Air Act's Regional Haze program requires states to design state implementation plans (SIPs) with the intent of gradually making "reasonable progress" toward meeting a national goal of preventing future, and remedying existing, impairment of visibility in national parks over the next five decades. In part, states show reasonable progress toward this goal by requiring major stationary sources of emissions, like electric generating units, to install the "best available retrofit technology" (BART).

The Clean Air Act requires states to consider several factors when determining BART for a particular source. In 2005, EPA adopted guidelines to help states make BART determinations. These guidelines govern how EPA is to determine BART for a particular source. In cases where EPA has determined that a SIP does not meet minimum criteria, the agency may in some cases implement a federal implementation plan (FIP) for that state.

EPA continues to take action on state regional haze plans and BART determinations. EEI and numerous member companies are engaging with the agency and other Administration officials on both a programmatic and state-by-state basis.

In its implementation of the program, EPA is using outdated regulatory tools to assess projected air quality improvements and compliance costs. Last year, the House Appropriations Committee approved legislative language supported by EEI to address this problem. It stated that EPA should work with industry and other stakeholders to quickly update its regional haze tools and refrain from making important regulatory decisions based on outdated models and manuals.

EEI urges the Subcommittee to adopt legislative language like that included by the full House Committee last year requiring EPA to update its regional haze tools related to modeling air quality and estimating costs of environmental controls.

Effluent Limitations Guidelines Rulemaking

Pursuant to a court order, on April 19, EPA released a proposed revision to the existing steam electric effluent limitation guidelines (ELGs), which it must finalize by May 2014. The proposal includes preferred options that would set strict performance standards that will force technological and operational changes at existing coal-based, nuclear, and natural gas-based combined-cycle generation facilities.

Wastewater treatment systems generally cost in the tens to hundreds of millions of dollars, depending on the size of the facility. The costs of wastewater treatment under the rule will vary

according to the chosen technology, the volume of wastewater to be treated, and the level under EPA's revised ELGs of pollutant reduction required. The rule also could entail significant costs for converting to dry handling of fly ash at facilities that currently use wet handling. EEI estimates the cost of wet-to-dry conversion of fly ash handling to be $43 billion over 20 years.

In addition, EPA is looking at equally stringent and costly measures for six other waste streams at steam electric facilities. For example, the rule may require conversion of wet bottom ash handling to dry bottom ash handling and the physical/chemical biological treatment of ash landfill leachate. In certain circumstances, the preferred options may entail other significant costs, including the cost of treating water used to wash trucks and other equipment at all steam electric generating facilities as if it were a chemical solvent.

The cumulative cost impact of the effluent guidelines rule could be in the hundreds of billions of dollars. As a result, EEI requests the Subcommittee to ensure that EPA bases its decisions on credible data and a full consideration of the economic challenges and obligations of the industry as a whole.

Greenhouse Gas New Source Performance Standards

EPA is expected to finalize greenhouse gas (GHG) new source performance standards (NSPS) for new fossil fuel-based units late in 2013, perhaps after issuing a revised proposal. EEI's 2012 comments on EPA's proposed standards expressed concern that the NSPS effectively precludes the building of new coal-based power plants and that, in many circumstances, even new natural gas combined-cycle (NGCC) units will have problems meeting the standard continually under normal, real-world operating conditions. Among other comments, EEI urged EPA to set a separate standard for new coal-based power plants and to raise the emissions standard for new NGCC units or take other steps to address NGCC concerns.

Once EPA finalizes the new source standards, it is expected to develop draft state guidelines for existing (and probably modified and reconstructed) plants (collectively referred to as "existing plants") under section 111(d) of the Clean Air Act. It is important that any rulemaking minimize the impact on existing electric generating units that are already making significant investments to comply with the Mercury and Air Toxics (MATS) rule.

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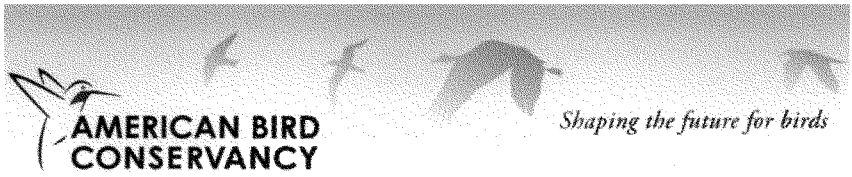

April 24, 2013

The Honorable Michael Simpson
Chairman
Interior Appropriations Subcommittee
B-308 Rayburn HOB
Washington, D.C. 20515

The Honorable James Moran
Ranking Member
Interior Appropriations Subcommittee
1016 Longworth HOB
Washington, D.C. 20515

Dear Chairman Simpson and Ranking Member Moran:

American Bird Conservancy (ABC) is a 501(c)(3) national non-profit organization dedicated to the conservation of wild native birds and their habitats throughout the Americas. Founded in 1994, ABC is the only U.S. based group dedicated solely to overcoming the greatest threats facing native birds in the Western Hemisphere.

As you know, America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, Hawaii, and surrounding oeeans. Unfortunately, according to the U.S. Fish and Wildlife Service's 2009 *State of the Birds Report,* many of our bird species are in decline and some are threatened with extinction making it more important now than ever to continue funding federal programs like the Neotropical Migratory Bird Conservation Act grants program, Joint Ventures, and the North American Wetlands Conservation Act which have been proven and effective in maintaining healthy and abundant native bird populations.

Funding federal bird conservation programs not only provides ecological benefits, it makes good economic sense. Birds are also a very important economic driver. According to a report put together by the federal government, Americans spend about $36 billion in pursuit of birding activities every year. Approximately one in five Americans - 48 million people - engages in bird watching, and about 42 percent travel away from home to go birding. Birding activities also generate about $4.4 billion in federal tax revenues. Birds also naturally provide billions of dollars' worth of pest control each year benefiting farmers and consumers alike.

American Bird Conservancy's report, *Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act* found that of our 341 species that are neotropical migrants - meaning birds that breed in the United States and Canada and winter in Latin America and the Caribbean – 127 are in decline. Sixty of those species, including 29 songbirds, are in severe decline having lost 45% or more of their population in the past 40 years. If these trends continue, future generations of Americans may never be able to see a bright blue Cerulean Warbler, Bell's Vireo, or Black-chinned Sparrow.

This trend can be seen all throughout the country. Here in Washington, D.C. for example an annual census of birds in Rock Creek Park that started in the 1940s, found that the number of migratory songbirds breeding there has dropped by 70% over the past half-century. Three species of warbler (Black-and-white, Hooded, and Kentucky) no longer breed there at all. The

main reasons for these precipitous declines are well established and reported in the 2009 State of the Birds Report: The largest source of bird mortality is due to habitat loss through conversion for human uses. Resource extraction and a growing human population have resulted in more development and land conversion for suburban sprawl so there are simply fewer and fewer large blocks of unbroken habitat for our native birds.

The second major impact is from habitat degradation from ecologically harmful land uses, such as unsustainable forestry or destruction of grasslands to create farm land. Deforestation, especially in Latin America, is accelerating at an alarming rate, driven by the needs of the rapidly expanding human population, which has tripled from 1950-2000. Estimates of the percentage of remaining forests that are lost each year in the Neotropics are between 1-2%.

Neotropical Migratory Bird Conservation Act (NMBCA)

To address these two problems – habitat loss and degradation, both of which are rapidly increasing south of our border – ABC respectfully suggests that Congress act to help mitigate their impact by continuing to fund the Neotropical Migratory Bird Conservation Act grants program at the highest level possible. As the Subcommittee knows, the Neotropical Migratory Bird Conservation Act supports partnership programs in the United States, Canada, Latin America, and the Caribbean to conserve migratory birds, especially on their wintering grounds where birds of nearly 350 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

The NMBCA grants program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of Neotropical birds that populate America and the Western Hemisphere. The public-private partnerships along with the international collaboration they provide are proving themselves to be integral to preserving vulnerable bird populations. Between 2002 and 2012, the program supported 395 projects, coordinated by partners in 48 U.S. states/territories and 35 countries. More than $43 million from NMBCA grants has leveraged over $166 million in matching funds. Projects involving land conservation have affected more than 3 million acres of bird habitat. While there are over 100 worthy proposal received each year, the program is oversubscribed with funding only available to fund about 40 projects. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program. ABC strongly believes expanding this program is essential to achieving conservation goals critical to our environment and economy. Just as importantly, this federal program is a good value for taxpayers, leveraging over four dollars in partner contributions for every one that we spend. ABC respectfully requests that NMBCA be funded at the President's request which is $ 3.78 million for FY 2014.

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Joint Ventures

Joint Ventures (JVs) also exemplify a highly successful, cost-effective approach to conservation. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 18.5 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

Joint Ventures have a long history of success in implementing bird conservation initiatives mandated by Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies. For every dollar appropriated for Joint Ventures leveraged more than $36 in non-federal partner funds. ABC respectfully requests that JVs be funded at the highest level of funding possible and urges the Committee to support $15.5 million this vital program for FY 2014.

ABC strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and economy. Just as importantly, these federal programs are good values for taxpayers, leveraging over four and thirty dollars respectively in partner contributions for each one that the taxpayers spend.

North American Wetlands Conservation Act (NAWCA)

The NAWCA has helped conserve wetlands in North America for more than twenty years by providing funding for conservation projects that benefit wetland-associated migratory birds in all 50 states, Canada, and Mexico. NAWCA has a proven track record of success. From 1990 to 2012, the program has assisted in funding over 2,216 wetland conservation projects affecting over 26 million acres of essential wildlife habitat. NAWCA grants totaling more than $1 billion have leveraged approximately $3.4 billion in matching partner funds. More than 4,500 partners have fostered public and private sector cooperation for migratory bird conservation, flood control, erosion control, and water quality. For every dollar of money invested in the program, an average of 3.2 dollars is raised to match the federal share by non-federal entities.

As an organization that works with migratory birds, which by definition cross international borders during their migration patterns, we know that protection and restoration of wetland and upland habitat must occur across the continent if the goal is to protect the species. As a result ABC respectfully requests that NAWCA be funded at the President's request which is $39.425 million for FY 2014.

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America faces a serious challenge to reverse the decline of many of our bird species, but it is possible. Since birds are sensitive indicators of how we are protecting our environment as a whole, this decline signals a crisis that Congress must act now to reverse it. If these reports tell us anything, it is that when we apply ourselves by investing in conservation, we can save imperiled wildlife, protect habitats, and solve the multiple threats at the root of this problem.

Sincerely,

Darin Schroeder
Vice President for Conservation Advocacy

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Fiscal Year 2014 Interior, Environment, and Related Agencies Budget
Society of American Foresters
House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
April 25, 2013

The Society of American Foresters (SAF), with more than 12,000 forestry professionals across the country, believes in sound management and stewardship of the nation's public and private forests. Funding for the Department of the Interior (DOI) and the USDA Forest Service (USFS), both contained in the Interior, Environment, and Related Agencies Appropriations bill, are particularly important to maintaining and improving the nation's forests.

SAF FY14 Budget Priorities

We recognize that the Subcommittee must make difficult decisions when making fund allocation decisions, and given the budget constraints and pressures that face Congress and the federal government, we commend the members of the Subcommittee for continued efforts to encourage sustainable forest management. SAF's budget recommendations do not encompass all the programs SAF supports. The listed items are the priorities identified by SAF leadership to highlight in the FY14 budget process.

1. SAF supports an increase in the National Forest System timber harvest from the 2.38 BBF projected by the Agency to 2.65 BBF to help achieve management objectives and stem threats faced in our federal forests.

2. SAF supports funding the Forest Health Management (FHM) as a consolidated budget line item under the USFS State and Private Forestry at no less than the FY2012 enacted funding level.

3. SAF recommends funding the USFS and DOI Hazardous Fuels Programs at no less than the FY 2012 enacted levels

4. SAF also supports continuation of the Integrated Resource Restoration (IRR) pilot program in the three USFS Regions. We encourage the Subcommittee to provide the necessary funds to continue these pilots in FY14

5. SAF, a CFLR Coalition Steering Committee member, joins the 150 other member organizations requesting a $40 million funding level for the program

6. SAF requests that Congress support a $72 million funding level for Forest Inventory and Analysis in FY 2014.

7. SAF supports the FY 14 $9.8 Million funding request for BLM Public Domain Forestry in the FY 14 BLM Budget Request.

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The 751 million acres of forests in the US are subject to threats from wildfires; insects; disease; invasive species; and changing climates. The public relies on forests for clean air and water; forest products and natural resources; recreational opportunities; hunting; fishing; and scenic values. Federal employees managing these forests must guard against these potential threats while still providing the multiple uses that the public demands. With a difficult economic outlook, land management agencies must look for innovative ways to maintain and improve the health of America's forests.

As the largest professional society for foresters in the world, SAF represents the forest managers and scientists working on public and private forests across the country. The task of managing the nation's valuable, renewable resource is as challenging now as at any time in the 113 year history of the Society. The continued loss of forest industry infrastructure; job losses and hardship in rural communities; pressure of invasive species; expanded areas of insects and disease; overstocked stands; and increased risk of wildfire necessitate the acceleration in the pace of management activities in federally owned forests.

Since 1910, the US's forest area has been stable, with a slight increase in the last two decades.[1] The current volume of annual timber growth is 32 percent higher than the volume of annual removals, and the Forest Service estimates that 65 to 82 million acres of the National Forest System (NFS) require restoration. SAF is concerned that the USFS set the restoration work goal for the NFS at three and a half million acres and the timber harvest volume target at 2.38 BBF for FY 14 due to budget constraints and sequestration.[2] The 2.38 BBF timber harvest target is a 15 percent decrease from the timber harvest target set in FY 2013 and well below the 3 BBF set as a USFS goal in the "Increasing the Pace of Restoration of the Nation's Forests" report released in 2012.[3] We worry that the management objectives outlined in the USFS FY14 Budget Justification are not sufficient to keep pace with ongoing management projects on federal lands and to combat the declining health of our nation's forests.

Economic conditions that led to a downturn in demand for construction and wood products resulted in fewer resources available for forest management activities. The depressed markets led to a steady decline in the forestry-related job sector and loss of infrastructure. From 2005 to 2010 primary (forestry and logging, paper, wood manufacturing, etc.) and secondary (residential construction, furniture, etc.) employment have seen a combined reduction of 920,507 total jobs. These factors also resulted in low timber prices, and the total US annual timber harvests are at their lowest levels since the 1960s. This lack of production led to the closure of more than 1,000 mills from 2005 to 2009, which decreased overall sawmilling capacity by 15 percent, and lowered production levels below 50 percent of capacity at the remaining mills.[4]

As the economy recovers, with new March 2013 building permits applications for new housing 17 percent higher than March 2012, timber prices should rebound and increased wood production from

1 US Forest Service (USFS). 2010. U.S. Forest Resource Facts and Historical Trends. Available online: http://www.fia.fs.fed.us/library/brochures/docs/2010/Forest%20Facts%201952-2007%20English%20rev072411.pdf ; last accessed April 2014.

2 US Forest Service (USFS) 2014. Fiscal Year 2014 President's Budget Justification. Available online: http://www.fs.fed.us/aboutus/budget/2014/fy2014-justification.pdf; last accessed April 2013.

3 US Forest Service (USFS). 2012. Increasing the Pace of Restoration and Job Creation on Our National Forests. Available online:e http://www.fs.fed.us/publications/restoration/restoration.pdf; last accessed April 2013.

4 Smith, B.W., and Guldin, R.W. 2012. Forest Sector Reeling during Economic Downturn. The Forestry Source January, 2012. Available online: http://www.nxtbook.com/nxtbooks/saf/forestrysource_201201/index.php;last accessed April 2013.

federal lands will be a necessary as the industry struggles to recover the operational capacity lost during the downturn.[5]

SAF Budget Recommendations Explained

SAF supports an increase in the National Forest System (NFS) timber harvest from the 2.38 BBF projected by the Agency budget justification to 2.65 BBF representing the average targeted harvest volume for fiscal years 2010-2013 as an avenue to improve the health and productivity of our federal forests. An increase in the timber harvest will reduce the number of overstocked stands and result in stand improvement; lessen the threat of catastrophic wildfire; combat challenges presented by pests; and support Agency efforts to restore priority watersheds in FY14. Increased output from federal lands could also reduce pressure on private forestlands, which supply 90 percent of wood production, to meet demand for wood products here and abroad.[6] We believe that the USFS can achieve the 2.65 BBF mark without significantly altering the plan outlined by the Administration and Agency in the FY 14 Budget Justification

SAF also supports the USFS State and Private Forestry programs that offer vital assistance to private landowners and state forestry agencies. These programs allow owners of property adjacent to federal land to participate in management initiatives and promote cooperation between federal land managers and nonfederal partners. The structure allows State and Private Forestry programs to provide a significant return on the federal investment by leveraging the resources of partners to accomplish shared objectives. The USFS Forest Health Management (FHM) Program pays dividends on federal and nonfederal lands by offering the critical resource support necessary to protect forest health. The FHM Program delivers assistance necessary to prevent and mitigate insect and disease outbreaks as well as the spread of invasive species. **SAF supports funding the Forest Health Management (FHM) as a consolidated budget line item under the USFS State and Private Forestry at no less than FY2012 enacted funding levels.**

We appreciate the subcommittee's consistent support for wildfire management, providing funds to encourage a balanced approach to averting threats posed by fire. The Hazardous Fuels Line Items in the USFS and DOI budgets are essential to restoring forest health and resilience and reducing the cost of suppressing wildfires. In FY 2012, the USFS and DOI treated over 3.2 million acres reducing wildfire risks on federal lands. **SAF recommends funding the USFS and DOI Hazardous Fuels Programs at no less than the FY 2012 funding levels.**

SAF also supports continuation of the Integrated Resource Restoration (IRR) pilot program in the three USFS Regions. **We encourage the Subcommittee to provide the necessary funds to continue these pilots in FY14.** SAF will continue to monitor the progress on these pilot projects and urges Congress to track these pilot projects and consider national implementation if the third-party audits of these pilots produce the improvement in forest health and resilience anticipated by the Administration and USFS in the FY 14 Budget Justification.

SAF appreciates the Subcommittee's support of the Collaborative Forest Landscape Restoration Program (CFLR) and is pleased that the Administration recognizes its value by providing $39.8 million in the 2014 Forest Service Budget Justification. As this Subcommittee knows, CFLR

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5 US Census Bureau. 2013 US Census Bureau News. Available online: http://www.census.gov/construction/nrc/pdf/newresconst.pdf; last accessed April 2013.

6 US Forest Service (USFS). 2010. *National Report on Sustainable Forests—2010.* Available online: http://www.fs.fed.us/research/sustain/2010SustainabilityReport/documents/2010_SustainabilityReport.pdf; last accessed April 2013.

encourages collaborative, science-based ecosystem restoration of priority forest landscapes.[7] Since 2009, the 23 projects have afforded fuels treatment on over 600,000 acres, generated and sustained 4574 jobs, and supplied approximately 387 MMBF in timber sales.[7] **SAF, a CFLR Coalition Steering Committee member, joins the 150 other member organizations requesting a $40 million funding level for the program.** We look forward to continuing to work with Congress and the Administration to provide the support this program needs to achieve the stated 10-year goals.

USFS Research and Development (R&D) provides for essential research on priority areas such as disturbances (including wildfire), watershed restoration needs, local level emphasis, and strategic programs. USFS R&D's Forest Inventory and Analysis (FIA) program is an indispensable resource providing the only national census of forests across all ownerships. Through FIA, USFS (partnering with state forestry agencies and the private sector) collects and analyzes forest data to assess trends on issues such as forest health and management. FIA data is the backbone of the forest research and development for the Agency and private sector interests. FIA data are used by researchers across the country to evaluate forest disturbance risks, such as, wildfire; insects and disease; the spread of invasive species; fragmentation and parcelization; and forest carbon sequestration. **SAF requests that Congress support a $72 million funding level for this program in FY 2014.** $72 million would allow the program to continue to function as it does currently and sustain the services and information that Congress, federal agencies, academia, and the private sector demand.

SAF closes our written testimony with two matters of concern with regard to funds available for management of BLM lands. The BLM's Public Domain Program currently operates at the $6.3 million funding level included in the FY 13 Continuing Resolution which represents a 35 percent decrease in the funding level in FY 12. **The BLM FY 14 Budget Justification specifies that the funding level be returned to $9.8 million which corresponds with the FY 12 funding level,** but without passage of a FY 14 budget, BLM Public Domain Forestry will be required to function at the level stipulated by the FY 13 Continuing Resolution and force the BLM to make significant reductions in the number of employees managing the 60 million acres in the Public Domain Forestry Program. This prospect is particularly worrisome considering that the authorization for receipts from the Forest Ecosystem Health and Recovery Fund, a permanent operating fund, expires at the end of 2015.

The expiration of this fund would negatively impact Public Domain Forestry and BLM O&C lands. The Forest Ecosystem Health and Recovery Fund can be used for various forestry purposes including planning, preparing, implementing, and monitoring salvage timber sales and forest ecosystem restoration activities. This fund currently allows Public Domain Forestry to implement necessary management activities with the significant budget reductions by using the portion of the receipts from sales of timber and wood products on BLM lands not returned to the neighboring counties, but if this permanent operating fund created in the Appropriations Act of 1993 is allowed to expire the receipts used to continue management on the ground will be required to return to the federal treasury.

On behalf of the 12,000 members of the Society of American Foresters, we thank you for this opportunity to provide written testimony to the Subcommittee.

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[7] US Forest Service (USFS). 2012. *Collaborative Forest Landscape Restoration Program*. Available online: http://www.fs.fed.us/restoration/CFLR/index.shtml; last accessed April 2013.

FY 2014

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES

TESTIMONY
of
Millard J. Myers, Executive Director
1854 Treaty Authority

1854 TREATY AUTHORITY

The 1854 Treaty Authority (Authority) is a tribal organization funded by a P.L. 93-638 contract with the Bureau of Indian Affairs under its Trust-Natural Resources Management-Rights Protection implementation budget.

- **The Authority supports the Administration's proposal of $36,722, 000 for BIA Rights Protection Implementation and the proposed allocation of $888,000 for the Authority.**

- **The Authority supports the full finding of contract support for its P.L. 93-638, Self-Determination contract. The Authority believes that at least the $231,000,000 requested by the Administration should be appropriated, but it does not support the Administration's proposal to institute individual statutory caps on contract support. Not only have those caps been proposed without the consultation required for significant policy changes, the Authority has no funding source to make up for contract support shortfalls.**

- **The Authority supports funding the EPA Great Lakes Restoration budget at $300,000,000.**

The Authority is the tribal organization responsible for protecting, preserving, and regulating the Treaty-reserved hunting, fishing and gathering rights in the territory ceded to the United States by the Chippewa in the Treaty of September 30, 1854, 10 Stat. 1109. The Bois Forte Band and the Grand Portage Band created the authority following federal court affirmation of the rights in 1988. As part of a court-approved agreement with the State of Minnesota, the Bands have obligations to preserve the natural resources in the five (5) million acre ceded territory and to regulate the activities of Band members through a conservation code, enforcement officers, and a court.

Although it has significant responsibilities in a geographic area the size of Massachusetts, the Authority has only eleven (11) full-time employees. With those

limited resources, the Authority has been able to collaborate with State, Tribal and Federal agencies to become a prominent presence in the conservation of resources critical ot the subsistence hunting, fishing and gathering activities of the Chippewa.

However, the successes of the Authority are overshadowed by the challenges facing the trust resources that are at the heart of the Treaty right. The Minnesota moose population has declined precipitously in just a few years and for reasons unknown. Invasive species threaten the Treaty fishing and wild rice production areas across the ceded territory, and human activities continue to deplete or displace wildlife populations.

The Authority urges the Committee and the Congress to acknowledge that the resources we seek to protect are **trust resources**, **reserved in treaties** that the United States has a legal obligation to protect and preserve.

April 25, 2013

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TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2014 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Bon Secour National Wildlife Refuge (FBSNWR), thank you for this opportunity to submit comments on the proposed FY 2014 Interior Appropriations bill. FBSNWR is a nonprofit volunteer organization formed in 1997 and represents citizens from throughout the United States who cherish and support the Bon Secour National Wildlife Refuge. Moreover, our members are concerned about its future and the role it plays in preserving vital habitat types.

The Bon Secour NWR provides vital habitat for neotropical migratory birds and nesting habitat for endangered sea turtles. In addition, the refuge is a component of thriving nature-based tourism along coastal Alabama. The coastal economy is dependent upon sound stewardship of natural resources of the Gulf of Mexico, so we believe the development and sustainment of a strong Bon Secour NWR and National Wildlife Refuge System is critical to creating a resilient economy in southern Alabama and the Gulf Coast.

Within this context, we urge your action on the following:

a. Support the President's budget request for FY14 of $499 million for Refuge System Operations and Maintenance (O&M). This restores some of the cuts made over the past few years, even though this will not cover the annual increases needed just to maintain management capabilities from year to year. The Cooperative Alliance for Refuge Enhancement (CARE) estimates that the Refuge System needs at least $900 million in annual funding to properly administer its 150 million acres and remains committed to aiming for this goal.

b. Fully fund the Land and Water Conservation Fund (LWCF) at $900 million and allocate a minimum commitment of $300 million for the National Wildlife Refuge System. Created in 1964 and authorized at $900 million per year, these funds are needed to complete land acquisition for existing and new refuges.

Bon Secour National Wildlife Refuge

The Bon Secour NWR incorporates almost 7,000 acres along the coast of Baldwin County and Mobile County, Alabama and is one of more than 500 National Wildlife Refuges located throughout the United States. Bon Secour NWR is also part of the Gulf Coast NWR complex that includes the Grand Bay NWR (located in Mobile County, Alabama and Jackson County, Mississippi) and the Mississippi Sandhill Crane NWR (located in Jackson County, Mississippi). The National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service, is the nation's premier system of public lands and waters set aside to conserve America's fish, wildlife and plants. Since President Theodore Roosevelt designated Florida's Pelican Island as the first wildlife refuge in 1903, the System has grown to more than 150 million acres.

Being a National Wildlife Refuge, the primary mission of the refuge is to protect wildlife and wildlife habitat. Public use of the refuge must come secondary to the refuge's wildlife stewardship operations. Yet, it is clear that Congress intended for the refuge to develop and implement environmental education. The Act which established the refuge in 1980 stated that the refuge should "ensure the well-being of these (nationally endangered and threatened species, such as the brown pelican, bald eagle, and several species of sea turtles, as well as many more species identified by the state to be of special concern) and other species, to serve as a living laboratory for scientists and students ...". The Alabama Gulf Coast Convention and Visitors Bureau has estimated the refuge attracts nearly 100,000 visitors annual, demonstrating the refuge's significant role in Alabama's coastal economy.

Bon Secour NWR has persevered through several catastrophic events over the past decade. The refuge was hit hard by Hurricanes Ivan and Katrina in 2004 and 2005, forcing the removal of tons of hurricane debris from sensitive habitats and repairs to roads and trails. Three years ago, the refuge became a "poster child" for threats related to the Gulf oil spill when crude oil washed onto the beaches during the sea turtle nesting season. The refuge staff has been strained to the limits to assess damage from these events and direct recovery from the impacts.

Assessment of Current Budget Constraints

We are aware of the intense desire of the federal government to reduce deficit spending. However, addressing deficit spending on the backs of the U.S. Fish and Wildlife Service (USFWS) and the National Wildlife Refuge System is not a realistic approach to addressing deficit spending. The entire budget for civilian agencies represents less than twenty percent of the entire federal budget, and we would speculate that the budget for the entire USFWS represents less than one percent of the allocations for civilian agencies. Therefore, slashing budgets for the NWRS would virtually be undetectable towards reducing deficits.

The citizens of the United States already have a major financial investment in these public lands. Continued reductions of operations and maintenance funds will result in deterioration of these

lands and facilities, requiring additional expenditures for restoration if refuges and/or their facilities are not properly maintained.

To some degree, the USFWS has weathered recent budget shortfalls better than some agencies as a result of their tradition of strong efforts to manage expenditures for salaries and fixed costs. Many positions throughout the country have remained vacant, and the agency has been willing to make the tough decisions required to have any hope of sustaining their primary mission for wildlife stewardship. However, those efforts can only carry them so far, and we believe that continued budget shortfalls will force reductions-in-force, suspension of critical wildlife management functions, and closing visitor service facilities. It is ironic that the agency may actually be penalized as a result of their conservative budget management.

Bon Secour NWR presently has a staff of six personnel, although the Comprehensive Conservation Plan for the refuge indicates a need for nine personnel. Retention of these positions will be tenuous if sequestration and budget shortfalls continue. Moreover, we know that the USFWS will be reluctant to expand visitor service facilities that would provide direct contributions to the coastal economy until operational funding for the refuge system is more stable.

Budget constraints to the fire management program are already creating a backlog of habitat management needs throughout the Gulf Coast NWR Complex. My recent inquiries about this year's progress in prescribed burning indicated that funds simply are not available support fire operations that often require long days and weekend/holiday duty. This reduction in prescribed burning operations will exacerbate the backlog of habitat management needs and significantly increases the probability of more intense and catastrophic wildfires on the fire-dependent habitats along the busy I-10 corridor.

Land and Water Conservation Fund

All three refuges within the Gulf Coast NWR Complex have inholdings that detract from the wildlife management mission of the refuges and interfere with habitat stewardship activities. Bon Secour NWR is surrounded by development, increasing pressure to assure that the lands within the designated boundary provide quality habitat for migratory birds and endangered species. Therefore, the need to complete acquisition from willing sellers is critical to sustaining healthy resources associated with coastal Alabama.

Conclusion

Funds for the NWRS represent an investment in the health of the Gulf's natural resources and economy of the United States. The Deepwater Horizon disaster in 2010 demonstrated for all of us that our coastal economies are linked to the health of our coastal natural resources. Investing in the NWRS would sustain our Nation's long history of success in natural resource stewardship and help restore our Nation's economy.

Thank you again for this opportunity to comment on this proposed appropriation.

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TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2014 APPROPRIATIONS
April 25, 2013

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, Friends organization affiliates and concerned citizens, thank you for your support for the National Wildlife Refuge System (NWRS). NWRA appreciates the opportunity to offer comments on the fiscal year 2014 Interior Appropriations bill and respectfully requests $499 million for the Refuge System's Operations and Maintenance accounts, as well as $600 million for the Land and Water Conservation Fund (LWCF).

We understand the challenging fiscal climate our nation is in, but we also feel that cutting funding to programs that are economic drivers in local communities is not an answer to our problems, but rather exacerbates the issue. Should sequestration cuts continue in FY14, we estimate that vital Fish and Wildlife Service (FWS) programs such as the NWRS and Partners for Conservation will be unable to meet core functions. Because budgets have not kept pace with rising costs, the gap between the level of funding needed to maintain capabilities for these programs and the level of funding appropriated by Congress has widened dramatically. To begin to bridge that gap, NWRA seeks a middle ground and urges Congress to fund critical programs that leverage federal dollars and are economic drivers. We, therefore, respectfully request the Subcommittee support the following funding allocations for programs in the NWRS and FWS:

- **$499m for the Operations and Maintenance (O&M) accounts of the NWRS, including $22m for Inventory and Monitoring, $40m for Refuge Law Enforcement, $75m for Visitors Services, $3.6m for Challenge Cost Share, $9.35m for the Cooperative Recovery Initiative and $5m for the Pacific Marine Monuments;**
- **$600mfor LWCF, of which $106m be allocated for FWS, including $50m for the Everglades Headwaters NWR and Conservation Area (FL); $6.5m for the Silvio O. Conte NFWR (CT, NH, VT, MA); and $6m for the Cache River NWR (AR);**
- **$60m for the FWS Partners for Fish and Wildlife Program;**
- **$60m for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);**
- **$20m for the National Wildlife Refuge Fund;**
- **$17.6m for Landscape Conservation Cooperatives (LCCs) in the FWS;**
- **$16m for the FWS construction account;**
- **$61.3m for the State and Tribal Wildlife Grants Program;**
- **$39.4m for the North American Wetlands Conservation Fund;**
- **$3.7m for the Neotropical Migratory Bird Fund;**
- **$9.8m for the Multinational Species Conservation Fund and $13.5m for Wildlife Without Borders;**

- **$8.5m for the National Fish and Wildlife Foundation (NFWF).**

National Wildlife Refuge System – O&M

NWRA chairs the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 sporting, conservation, and scientific organizations representing more than 15 million Americans that supports inereased funding for the Refuge System. CARE estimates the Refuge System needs at least $900 million annually to fully function, yet the highest level of funding for the System, $503 in FY10, was just over half that amount. Since that time, appropriations have been steadily backsliding toward levels that, in real dollars, have not been seen since FY06.

If sequestration cuts continue, CARE estimates that NWRS's FY14 appropriation could drop to about $420 million – a cut of $83 million, or 17%, compared with FY10. On the ground, it will feel more like a 24%, cut, because the Refuge System needs an increase of $8 to $15 million each year to cover the rising cost of fuel, utilities, rent, and other fixed expenses. Because budgets have not kept pace with rising costs, the gap between the level of funding needed to maintain the Refuge System's capabilities and the level of funding appropriated by Congress has widened dramatically. To begin to bridge that gap, CARE seeks a middle ground and urges Congress to fund the NWRS Operations and Maintenance accounts at $499 million in FY14.

NWRS generates tremendous public benefits, with 47 million visitors coming to enjoy recreational opportunities last year. Refuge visitation generates between $4 and $8 to local economies for every $1 appropriated, and contributes to the $1.7 trillion overall annual economic impact of outdoor recreation, natural resource conservation, and historic preservation. In addition, refuges generate more than $32.3 billion each year in ecosystem services, such as water storage/filtration and storm buffering on which cities like Miami, Minneapolis, Hartford, New Orleans, Salt Lake City and Sacramento depend. NWRS is not a bloated bureaucracy; in fact, for most FWS regions, the size of the full-time workforce is smaller today than 10 years ago. During this decade, NWRS has also had a large expansion of responsibility in the areas of planning, inventory and monitoring, law enforcement needs, climate change, acres managed, expanded public use opportunities such as hunting, fishing, birding, and more. These numbers are indicative of a workforce stretched thin and describes an agency that cannot do more with less; they are a rubber band at its breaking point and unless Congress restores their funding, they will be forced to make drastic management decisions.

Partnerships and Strategic Growth

NWRA calls upon Congress to fund the Land and Water Conservation Fund (LWCF) at $600 million, of which $106 million should be allocated to FWS for individual refuge projects and collaborative conservation projects. Created in 1965 and authorized at $900 million per year (*more than $3 billion in today's dollars*), LWCF is our most important land and easement acquisition tool. With more than 8 million acres still unprotected within existing refuge boundaries, and the need to establish key wildlife corridors and connections between protected areas, LWCF is more important than ever. NWRA strongly supports the new mandatory funding requests, as well as the collaborative conservation proposals of the Departments of Interior and Agriculture that bring together several federal agencies around a common goal. NWRA supports the following projects and those advocated by refuge Friends organizations:

- Everglades Headwaters NWR & Conservation Area (FL) - $50 million;
- Cache River NWR (AR) – $6 million;

- Silvio O. Conte NFWR (NH, VT, MA, CT) – $6.5 million;

NWRA also strongly supports the Partners for Fish and Wildlife Program, a powerful tool for working with private landowners to collaboratively conserve refuge landscapes. The program consistently leverages federal dollars for maximum conservation benefit, generating between $4 and $10 in conservation return for every $1 appropriated. NWRA requests an FY 14 appropriation of $60 million for the Partners for Fish and Wildlife Program.

Commitment to Refuge Communities – Refuge Revenue Sharing

The Refuge System uses net income derived from permits and timber harvests to make payments to local counties or communities to offset lost property tax revenue, and relies on Congressional appropriations to the Refuge Revenue Sharing program to compensate for the shortfall between revenues and obligations. Due to declining revenue and lack of appropriations, the Service has been paying less than 50% of its tax-offset obligations since 2001. This has a measurable impact on local communities that is felt even more starkly in difficult economic times – and it creates severe strain in relations between the federal units and their local community, threatening the goodwill and partnerships that are keystones of successful conservation. NWRA requests $30 million for the Refuge Revenue Sharing Program, which, in recognition of the President's proposal to zero out funding, is still only about half of what is needed. NWRA also calls for a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with other federal land management agencies and to provide Refuge communities with more equitable payments.

Supporting Prescribed Fire to Reduce Catastrophic Burns

Fire as a wildlife habitat management tool is one of the most important items in the FWS tool chest but it is also perhaps the least understood and currently sequestration is having a dramatic impact. FWS anticipates that fewer than 20 refuges nationwide will attempt to continue their fire regime as called for in management plans; that means every other program in the nation will be ended completely or deeply cut. Unfortunately, because funding for the FWS fire program falls under the DOI's Hazardous Fuel Reduction program, less and less funds are going to the FWS for prescribed burns. The funding for the FWS under DOI's Hazardous Fuel Reduction program is down by 40%, with FWS treating less than one quarter of what they used to do.

This loss of prescribed burning is leading to an increase in fuel and could have catastrophic results – especially in urban areas where reducing fuel loads ultimately protects people's lives and property. For instance, J.N. Ding Darling NWR in Florida uses prescribed burns extensively where lightning strikes would normally cause fires every couple of years. Without the ability to reduce fuel on the refuge, there is concern in the city of Sanibel that the next fire could quickly become out of control. We urge returning capabilities for FWS to $60 million for FY 2014.

National Blueways

Two National Blueways have been established and both are focused on national wildlife refuges and surrounding watersheds. The first National Blueway, the Connecticut River watershed, established in May 2012 and encompasses the entire Silvio O. Conte National Fish and Wildlife Refuge spanning the states of CT, VT, NH and MA. In this instance, the Blueway is an overlay of the refuge, which was established to conserve the entire watershed. The second National Blueway, the White River, includes the Cache River NWR. Cache River NWR dominates an

important landscape where the FWS, NRCS and the Army Corps are cooperating on a major restoration project. FY14 LWCF funding is essential to supporting the goals of the project and Blueway.

National Blueway designation is not a new federal spending program, rather it is good governance where agencies, through memorandums of understanding and cooperative agreements, agree to focus and share resources towards common goals. This is something we at NWRA have long advocated for and are strongly supportive of. Continued collaboration across agencies and with local communities is the future of conservation in our nation.

Leveraging American Volunteerism
Refuges are vital places for the American people to connect with nature and get involved. Currently, refuge Friends and volunteers do 20% of all work on refuges. In 2012, these 1.6 million hours equated to 766 full time employees. This is extremely important, as the System has lost approximately 500 positions from operations and 150 from fire over the past few years. About 200 staff nationwide are assigned to visitor's services, but with sequestration and lost positions from attrition, these staff are being moved to other duties. Adding insult to injury, this reduction has a drastic multiplier effect because many of these positions oversee volunteers. Without staff to oversee volunteers, that commitment and passion is lost, as is their desperately needed contribution to the System. We request $74m for Visitors Services for NWRS.

Construction
While FWS has steadily been working to reduce their operations and maintenance backlogs, refuges still have existing have construction needs, including the replacement of deteriorating structures that are expensive to maintain. We support the President's requested $16m for NWRS's construction budget, including habitat restoration and visitor enhancements.

Protecting the Public and Refuge Resources – NWRS Law Enforcement
In 2005, the International Association of Chiefs of Police (IACP) conducted a first of its kind analysis of law enforcement (LE) needs for a land management agency, focusing on the Refuge System. They recommended a force of 845 full-time federal wildlife officers to adequately protect visitors and taxpayer resources; but the System has only a little more than one quarter of that amount with 250 officers for the 150-million-acre System. Further, since the report was completed in 2005, the System has grown by 50 million and visitation has grown by over 15% to over 45 million in 2012. We request $40m for NWRS law enforcement.

Using Science to Guide Adaptive Management
FWS and the NWRS are developing landscape-level strategies to address habitat changes due to shifting land use, increasing human population, the spread of invasive species and changing climates. We strongly support the FWS initiative to establish Landscape Conservation Cooperatives (LCCs) to bring the best science to help local, state and federal agencies make the most educated management decisions. We recommend allocating $17.6m to fund LCCs in FY14 and $22m for the NWRS's Inventory and Monitoring program.

NWRA believes the National Wildlife Refuge System can meet its responsibilities to the American people with collaboration and sufficient funding and we urge Congress to help the FWS meet these obligations.

STATEMENT
OF
ARLEN QUETAWKI, SR.
GOVERNOR OF ZUNI TRIBE
FOR THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES
HEARING ON THE PRESIDENT'S FISCAL YEAR 2014
BUDGET REQUEST FOR INDIAN PROGRAMS

April 24, 2013

Background: Pre *Public Law 93-638, Indian Self Determination and Education Assistance Act*, the Zuni Tribe, Pueblo of Zuni, acting on a commitment for success, contracted with the Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) to perform functions previously carried out by the Federal government. Namely these functions/programs are: Housing Improvement, Law Enforcement, Tribal Courts, Higher Education-Scholarship, Road Maintenance and Social Services/Welfare Assistance and allied health care programs. Performance of these functions by the Tribe was authorized under the authorities of the 1934 Indian Reorganization Act with the promise of self-determination to operate programs fitting tribal needs.

Subsequent enactment of the Indian Self Determination Act the Zuni Tribe believed that the congressional action would assist the tribe in securing tribal economic security and effectively deals with community social issues with sustained Federal commitments. However, since the 1970's the Zuni Tribe continues to experience drastic fund reductions in these contracted programs. Not to mention the challenges the Tribe is facing in receiving proper payments for Contract Support Cost which is a binding contractual obligation due all Tribes that operate BIA and IHS contracts. The Tribe should be provided full funding for Contract Support Costs by both the BIA and IHS consistent with the 2012 Supreme Court decision in the Salazar v. Ramah Navajo Chapter case. To do anything less would deliver a strong message that Indian Tribal Self Determination contracts can be manipulated and can be treated as second-class contracts and Indian Tribes are second-class contractors

The Zuni Tribe understands the United States' fiscal difficulties and challenges at this time and acknowledges the administration is focused in reducing the deficit, however, the Zuni Tribe is requesting the administration keeps its promise to the Indian country by protecting and increasing funding provided under the BIA Tribal Priority Allocations (TPA) process in FY 2014. Protecting and increasing TPA for the Zuni Tribe will assist in effectively administering programs which would otherwise be performed by the federal government. Not only will the tribe carry out programs effectively which affects their respective community, it will also continue to be partners in a mutual commitment to strengthen not only the tribal, but national economy as well. Furthermore, it will have a major impact on the health and social well-being of other communities as a whole. This effort has a ripple effect on generation of jobs, and improvement of economies which leads to self-reliance.

The Zuni Tribes request under the Department of Interior (DOI), BIA FY 2014 President's Budget request a total of $9,240,000 to administer core programs under the TPA categories

operated by the BIA and under the authorities of *P. L. 93-635* and $2.0 million for IHS community health programs and contract health programs administer under the IHS direct allocation. The following are the amounts specifically identifying programs and their respective amounts.

Tribal Government-Road Maintenance (TPA) BIA Operated: This program requires a minimum level of $1.0 million to carry out the program responsibilities. This funding level will get closer to the 2009-2010 target units under a Level of Services rating of 2 or better for the Zuni Indian Reservation. The Road Maintenance program supports 411.2 miles of Indian Reservation Roads in a remote reservation, approximately 150 miles from a metropolitan area of Albuquerque, New Mexico.

A 2009 assessment of paved routes in the Zuni community shows that at a minimum four miles of pavement overlay, and 20 miles of pavement surface treatment of major traveled routes with high average daily traveled counts. Providing funds for improvement of the Zuni Reservation roads will reduce the potential liability of tort claims from the traveling public in Zuni. Improvements to the above identified miles of roads do not include maintenance of unpaved roads, including school bus routes, ingress and egress to homes for medical service vehicles such as ambulances, transportation services for patients who are on dialysis and need medical care, etc.

If funds are not provided at a bare minimal level the Zuni Tribal Road Maintenance program will continue to incur annual increases of at least ten percent of deferred maintenance backlog on reservation roads and bridges. Since Fiscal Year 2007, this program has been grossly underfunded and range in funding for the past several years in the amount of $246,642 to a high of $274,116 in Fiscal Year 2007.

Human Services – Social Services and Indian Child Welfare Act - TPA *P. L. 93-638* Tribal Contract: A minimum level funding for the Tribal Social Services program in the amount of $260,000 is needed to maintain programs at a current level. A minimum level of $100,000 is needed for the Indian Child Welfare Act program. These two programs are critical to assist the social-economic programs of the community. Program personnel works with various agencies in and outside the community which includes child care places-foster home placements and domestic violence with the Tribal and outside courts-judicial systems, the Zuni Tribal Police Department, etc. Once again this program has not been adequately funded for a number of years.

Human Services – Welfare Assistance –TPA *P. L. 93-638* Tribal Contract: A minimum level of $300,000 is required to operate this program at a "bare minimum" level. With the isolation of the Zuni Reservation and lack of employment and other full service programs, these funds are needed to deal with socio-economic issues/problems of the community.

Public Safety and Justice -Community Fire Protection – TPA *P. L. 93-638* Tribal Contract: A minimum of $250,000 is required to operate this program. Minimum funds requested will allowed the program to maintain 3 tribal employees on staff and provide operation expenses that services the community which includes a hospital operation, high school, junior high school, two

elementary schools, a community college, BIA agency and tribal infrastructure, two parochial schools and other community facilities.

Public Safety and Justice Tribal Courts – TPA *P. L. 93-638* Tribal Contract: A minimum of $580,000 is needed to operate the Zuni Tribal Court. This level of funding will allow the tribal court of access training needs and filling positions that will assist in handling an increasing number of criminal, civil, juvenile and child welfare cases which are referred to the Tribal court for resolution. The number of cases the Tribal court handles range from a low of 4,144 adult cases to a high of 7,000 cases. The children's court also ranges in a low of 455 to a high of 566 cases.

Natural Resources – Fish and Wildlife Management – TPA *P. L. 93-638* Tribal Contract: A minimum of $200,000 is required to operate the Zuni Fish and Wildlife program. This program manages activities associated with cultural and academic biological wildlife management. It also works with the other federal and state agencies including the states of New Mexico, Arizona and other customer base clientele from the private sector.

Natural Resources – Forestry and Fire Management – BIA Operated: This program requires a minimum funding level of $250,000 to maintain program operations.

Trust Services – Real Estate Services – TPA *P. L. 93-638* Tribal Contract: This program requires a minimum level of funding in the amount of $200,000 to carry out program responsibilities associated with trial trust and individual allotments, tribal fee lands and tribal land assignments for the purpose of: Leasing and Permitting, acquiring and disposal of lands and promotion of development of mineral resources and renewable energy resources, maintenance of existing contractual agreement and assurance in recording of all encumbrances in the Tribal Trust Assets Accounting Management System and Land Titles and Records Office. The Program is responsible for land base protection of 537,055.55 acres of land. (Included in the level of fund request is Probate and Rights Protection along with the Real Estate Services.)

The program also promotes and encourages consolidation of fractionate interests of trust allotments by providing estate planning holding outreach efforts to provide information on the American Indian Probate Reform Act.

Law Enforcement – Zuni Police Department - *P. L. 93-638* Tribal Contract: A minimum funding level of $2.9 million is required to maintain law and order on the Zuni Reservation, which include the immediate community and the surrounding reservation lands. Over several years the tribal law enforcement program has not received adequate funding for the size of reservation lands and the growing population they are responsible for serving and protecting There has been an increase in violent crime, gang activities, methamphetamine and other drug uses, not to mention violence in the schools. Other unfunded mandates such as the Adam Walsh Act and the enactment of the Federal Tribal Law and Order Act, Violence Against Women's Act, Sex Offender registry and other like compliances requirements also requires that funds be provided to meet these mandates.

The Zuni Tribal wage scale grossly lags behind other agencies' wage scales to maintain law enforcement officers in Zuni. Additional funds are also required to maintain a stable trained staff with proper equitable compensation. It is critical the Department and BIA consider full funding for this critical program.

Detention Center *P. L 93-638* Contract Program: A minimum of $1.5 million is required to operate the Zuni Tribal detention center. Additional personnel with equitable funding are required to maintain the detention center operations. The Zuni Detention center is a 24-hour 7-days a week operation. Like other organizational programs, the Zuni Tribe needs to bring the wage scale to a comparable level with other agencies to maintain/retain qualified trained personnel. This is a crucial operations that is not only associated with stress-related duties, but requires commitment and dedication of a workforce.

Detention Facilities Operations and Maintenance: - *P. L. 93-638* Contract Programs: These two programs have traditionally been funding on a formula, square foot basis which does not provide adequate funds to operate and maintain infrastructure. Serious considerations need to be made to adequately fund operation and maintenance programs of facilities. A minimum of $150,000 is needed for the operations portion of the facility and a minimum of $50,000 is needed for the maintenance of the facility.

Education and Adult Vocational Training Program: $1.0 million is requested for the Education Tribal Scholarship program and $500,000 is requested for the Adult Vocational Training Program. These two programs have been part of the "477" program which is not part of the TPA program considerations. However, these two programs are critical and are abridge to ensuring viable future for the Zuni Community. These two programs will provide scholarship funding assistance to students pursuing college degrees and vocational type training to acquire marketable skills should they seek employment off the Zuni Reservation.

Indian Health Service Contract Program: An increase of $1.5 million to the IHS contracted programs will assist in administering the following programs the Zuni Tribe has been contracting for over several decades: Audiology, Otitis Media, Client Services, Public Health Nurse for the Detention Center, Wellness Center, Teen Health Clinic and Alcohol and Substance Recovery Program. All these programs assist in working towards promoting healthy and socially acceptable lifestyles. $500,000 increase in contract health care for the Zuni Service Unit will assist in obtain other critical specialized care which the Zuni Service Unit cannot perform due to staff shortage and recruitment and retention of specialized health care professions.

The Zuni Tribe also requests that funds for be maintained/increased for the Indian Guaranteed Loan program to assist the Zuni Tribe in pursing economic development ventures which would also assist in economic self-sufficiency and self-determination

As stated the Zuni Tribe is aware of the national economic conditions, however, in order for the Zuni Tribe to foster self-determination, including, self-governance, we request you seriously consider the Zuni Tribe's funding request.

The Zuni Tribe extends our appreciation for the opportunity to present our funding needs.

April 24, 2013

Richard O. Shields, Jr. - President
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TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2014 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of the Savannah Coastal Wildlife Refuges (FSCWR) with over 300 members in coastal Georgia and South Carolina, I would like to thank the committee for their strong support of the National Wildlife Refuge System and for giving concerned citizens the opportunity to submit testimony. FSCWR is a nonprofit organization of volunteers dedicated to supporting the mission of the US Fish & Wildlife Service to protect and preserve the wildlife and wildlife habitat of the seven National Wildlife Refuges within our Complex. I urge you to show your continued support of the National Wildlife Refuge System by approving the President's FY 2013 budget request of $495 million for the operations and maintenance of the world's premier system of public lands and water set aside to conserve America's wildlife and the habitats wildlife needs to survive and thrive. While I feel that the Refuge system requires a higher level of funding to continue to fulfill its mission, the proposed level of funding will at least maintain existing management capabilities.

Savannah Coastal Refuges Complex
The seven refuges that comprise the Savannah Coastal Refuges Complex span nearly 100 miles of the Atlantic coast from Pinckney Island NWR adjacent to Hilton Head Island, SC, in the north, to Wolf Island NWR near Darien, GA, in the south. These seven Refuges boast an array of ecosystems within their 56,000 acres: tidal freshwater marsh, bottomland hardwoods, barrier island beach, maritime forest, and salt marsh. They provide habitat and protection for a number of endangered species, including the loggerhead sea turtle (*Caretta caretta*) and the wood stork (*Mycteria americana*). The largest refuge in the complex is Savannah NWR which straddles the Savannah River within sight of the city of Savannah, GA. Established as a migratory bird sanctuary in 1927, it has grown to more than 29,000 acres and supports migratory ducks and songbirds, as well as a healthy population of alligators and wading birds. The other Refuges in the Complex are Tybee NWR, Wassaw Island NWR, and Blackbeard Island NWR. Five of the seven Refuges are islands, four of which are accessible only by boat.

In addition to providing critical habitat for wildlife, the refuges are places where residents and visitors can enjoy nature and experience the diversity of plants and animals. Visitors enjoy birding, photography, hiking, hunting, biking and kayaking. Students come to the refuges to observe environmental concepts and gain an appreciation for environmental stewardship.

Refuge staff and volunteers provide a number of educational experiences for local school children on site and in the community.

Current Challenges and Needs

The Friends of the Savannah Coastal Wildlife Refuges are very concerned about the devastating impact across-the-board sequestration cuts of 9-10 percent in FY 2013 will have on our refuges and the entire Refuge System. If these cuts are enforced, they will have serious impacts on the ability of the refuge staff to continue to fulfill their mission.

- Without adequate funds for fuel purchases, mowing and other maintenance efforts on our fresh-water impoundments will be curtailed, threatening the habitat that migrating birds depend on in the winter months. Unmowed hiking and biking trails will discourage visitors from experiencing the refuges.
- We have already lost staff positions and will lose more if more cuts are demanded. This impedes the ongoing maintenance on our refuges and threatens visitor safety and enjoyment of their refuge visits.
- Staffing cuts will greatly reduce the ability to sponsor educational and recreational events for children and families.
- There will be reduced ability to control and eradicate invasive species on the refuges, with a deleterious effect on native plants and animals.
- Visitor Center operations may face further reductions and may force our new Visitor Center at Savannah NWR to reduce its hours of operations.
- Reductions in fire staff will reduce their ability to respond to fires on the refuges.
- Regular trail and road maintenance will be deferred.
- Community outreach will suffer if staff are not allowed to participate in local festivals, school science nights, etc.

Friends and other volunteers, while important to the operations of our refuges, will not be able to compensate for all of these loses. To assist with managing the habitat, volunteers need oversight and training, but there will be no funds to pay for the training. The Friends organization is willing to expand our interpretive programs; the challenge will be access, safety, and the quality of wildlife viewing.

In 2011 the National Wildlife Refuge System created a vision to guide the management of the System during the next decade and beyond. The new vision seeks to make wildlife conservation more relevant to the public and engage them in the National Wildlife Refuge System. With 80 percent of Americans now living in urban or suburban areas the System is placing special emphasize on helping urban America connect with and understand the benefits of its wildlife heritage. Savannah NWR is just minutes away from the most disadvantaged people in Savannah and can provide this connection if the resources are made available.

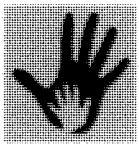
In Summary

Wildlife Refuges matter to your constituents. There are more than 45 million visits to Refuges every year, and the number is growing. Our members realize that our country is facing difficult economic times and we must all share in the challenges of the recovery. We thank you for the meaningful funding increases allowed the System in fiscal year 2008-2010 that provided stability

to our refuges. We respectfully ask you to support the following funding allocations for the National Wildlife Refuge System that will allow the System to maintain existing management capabilities:

- $495 million for the operations and maintenance accounts of the National Wildlife Refuge System including:
    - $39 million for Refuge Law Enforcement
    - $80 million for Visitor's Services
    - $3.8 million for Challenge Cost Share
- $37 million for the Fish and Wildlife Service construction account

The Friends of the Savannah Coastal Wildlife Refuges appreciate this opportunity to voice our support for the refuges we love. The next time you visit the southeast, take some time to visit one of our refuges. You will see why we are passionate about maintaining and supporting them.



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Testimony submitted by
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Children's Environmental Health Network
to
Subcommittee on Interior, Environment, and Related Agencies
United States House Committee on Appropriations
regarding U.S. Environmental Protection Agency (EPA) and
The Agency for Toxic Substances and Disease Registry (ATSDR)
FY2014 Appropriations

The Children's Environmental Health Network (CEHN or the Network) is pleased to have this opportunity to submit testimony on FY 2014appropriations for the Environmental Protection Agency (EPA) and the Agency for Toxic Substances and Disease Registry (ATSDR). We seek funding levels of at least $9 billion for EPA and $76.2 million for ATSDR.

The Network's mission is to protect the developing child from environmental hazards and promote a healthier environment. The Network's Board and committee members include internationally recognized experts in children's environmental health science and policy. We recognize that children, in our society, have unique moral standing.

American competiveness depends on having healthy educated children who grow up to be healthy productive adults. Yet, growing numbers of our children are diagnosed with chronic and developmental illnesses and disabilities, such as obesity, asthma, learning disabilities, and autism. A child's environment plays a role in these chronic conditions and contributes to the distressing possibility that today's children may be the first generation to see a shorter life expectancy than their parents due to poor health. Thus, it is vital that the Federal programs and activities that protect children from environmental hazards receive adequate resources.

CEHN urges the Subcommittee to provide funding at or above the requested levels for the following EPA activities:

- Office of Children's Health Protection
- Children's Environmental Health Research Centers of Excellence
- Office of Research & Development
- School and Child Care Environmental Health
- The Pediatric Environmental Health Specialty Units

CEHN also urges full funding of all activities that advance healthy school and childcare environments for all children, including those supported by ATSDR.

As epidemiologists see increasing rates of asthma, learning disabilities, and childhood cancers; as parents seek the causes of birth defects; as researchers understand more and more about the fetal origins of disease, policy makers must do a much better job of understanding and acting on the connections between children's health and the environments in which they spend their time. These environments include, but go beyond, home, school, and childcare settings. A growing number of studies are finding unexpected impacts of prenatal environmental exposures on health in later years. For example, prenatal exposures to either a common air pollutant or a common pesticide have both been linked to lower IQs and poorer working memory at age 7.

Thus, all agencies should assure that their children's programs build on and respond to the growing evidence of the importance of prenatal exposures to a child's health and future.

EPA:
A variety of factors, such as children's developing systems, their unique behaviors, and differing exposures, mean that children can be more susceptible than adults to harm from toxic chemicals. Standards and guidelines that are based on adults cannot be assumed to be protective of children. The EPA programs of highest importance in the protection of children are described below.

EPA's Office of Children's Health Protection – EPA's efforts to protect children from environmental hazards have been led by the Office of Children's Health Protection (OCHP) since 1997. Despite an effective track record, funding for OCHP has been level, at approximately $6 million, since its creation. OCHP focuses on interagency work that promotes healthy housing and healthy children. These areas show that environmental interventions result in great cost savings, not to mention the health problems averted, such as asthma episodes and lead poisoning cases. There is great interest but few resources for these approaches.

Children's Environmental Health Research Centers of Excellence – The Centers, jointly funded by EPA and NIEHS, play a key role in providing the scientific basis for protecting children from environmental hazards. With their modest budgets, which have been unchanged for more than 10 years, these centers generate valuable research. EPA's Office of Research & Development has indicated its commitment to the Centers in the budget language. A unique aspect of these Centers is the requirement that each Center actively involve its local community in a collaborative partnership, leading both to community-based participatory research projects and to the translation of research findings into child-protective programs and policies. The scientific output of these centers has been outstanding. It was these centers, for example, that generated the findings mentioned earlier about connections between prenatal exposures and lower IQ at age 7. We urge you to provide full funding for these Centers.

Office of Research & Development (ORD) – This office is critical in efforts to understand environmental impacts on children's health. EPA has pledged to increase its efforts to provide a safe and healthy environment for children by ensuring that all EPA regulations, standards, policies, and risk assessments take into account childhood vulnerabilities to environmental

chemicals. We encourage additional funds for research on children's issues in the 2014 budget. To truly raise such research to a priority level, where are measurable goals on this area of research? Where is the documentation of the amount and type of research conducted as well as how the protection of children is given priority throughout ORD? We ask that your subcommittee direct the office to improve transparency by tracking and reporting on the funding and research across the office dedicated to children's environmental health.

ORD's focus on sustainability in its work is commended; no truly sustainable development paradigm could be developed without protecting children and their future. Children's environmental health is an issue that cuts across all of ORD's programs. For example, EPA's National Health and Environmental Effects Research Laboratory scientists are protecting children's health through the development of cost-effective methods to test and rank chemicals for their potential to cause developmental neurotoxicity. Historic methods using laboratory animals are expensive and time consuming. To date, only a small number of the thousands of chemicals currently in commerce have been assessed for their potential toxicity and for their effects on the child's developing nervous system. These new testing methods can screen in hours to days instead of months to years and will provide faster, less expensive ways of assessing potential toxicity.

These new testing methods, however, do not replace the need for continued research in childhood exposures and health effects. Much of the research in this field cannot be conducted in a short time frame and requires sustained funding if scientists are to conduct research and measure effectiveness.

School and Chlid Care Environmental Health – In America today, millions of infants, toddlers and preschoolers, often as young as 6 weeks to 4-years of age, spend 40-50 hours a week in childcare. Yet, little is known about the environmental health status of the nation's childcare centers or how to assure that these facilities are protecting this highly vulnerable group of children. Environmental health is rarely if ever considered in licensing centers or training childcare professionals. Similarly, about 54 million children and nearly 7 million adults —20% of the total U.S. population—spend up to 40 hours per week inside school facilities every week. Unfortunately, many of these facilities contain unsafe environmental conditions that harm children's health and undermine attendance, achievement, and productivity. Thus, it is vital that EPA maintain and expand its activities for healthy school and child care settings, such as the Indoor Air Quality Tools for Schools program.

Pediatric Environmental Health Specialty Units -- Funded jointly by EPA and ATSDR, the Pediatric Environmental Health Specialty Units (PEHSUs) form a respected network of experts in children's environmental health, with a center in each of the U.S. Federal regions. PEHSU professionals provide medical consultation to health care professionals on a wide range of environmental health issues, from individual cases of exposure to advice regarding large-scale community issues. PEHSUs also provide information and resources to school, child care, health and medical, and community groups to help increase the public's understanding of children's environmental health, and help inform policymakers by providing data and background on local or regional environmental health issues and implications for specific populations or areas. We

urge the Subcommittee to provide adequate funding for both EPA's and ATSDR's portions of this program.

ATSDR:
CEHN urges the Subcommittee to provide funding at or above the requested levels for ATSDR activities. ATSDR uses the best science in taking public health actions, such as site assessments and toxicological profiles, to prevent harmful exposures and diseases of communities and individuals related to toxic substances.

ATSDR understands that in communities faced with contamination of their water, soil, air, or food, infants and children can be more sensitive to environmental exposure than adults and that assessment, prevention, and efforts to find remedies for exposures must focus on children because of their vulnerability and importance to the nation's future. We support the full funding of ATSDR and the continuation of their varied responsibilities.

Children's health and healthy children must be on-going priorities for this and every Administration

We commend the EPA and ATSDR for their great progress in recognizing children's unique susceptibilities to environmental toxicants in the last several decades. Much more remains to be done, however. The Network urges the Subcommittee to direct both agencies to assure that all of their activities and programs -- including regulations, guidelines, assessments and research -- specifically consider children.

EPA and ATSDR must always assure that children and other vulnerable subpopulations are protected, especially poor children, minority children, farmworker children, and others at risk.

Thank you for the opportunity to submit testimony on these critical issues, and thank you for your concern about the environmental health of children.

Testimony in Support of the U.S. Forest Service International Programs
Submitted to:
The House Appropriations Subcommittee on Interior, Environment & Related Agencies
April 15, 2013

The undersigned groups, representing a diverse coalition of timber and labor industry, conservation groups and academic institutions, thank Chairman Simpson, Ranking Member Moran and Subcommittee members for their continued support for the U.S. Forest Service Office of International Programs. The following testimony recognizes the valuable investments made by the U.S. Forest Service in promoting U.S. leadership in international conservation and in helping American interests, business and ecological, to remain protected from being undercut by illegal logging activities.

While we understand the Subcommittee's responsibility in finding the appropriate balance between conservation and navigating through a difficult fiscal climate, it is important to note that the U.S. Forest Service International Programs (hereafter FSIP) provides tremendous economic value to the American public. Industry and congressional reports estimate that U.S. roundwood, sawnwood and panel exports could increase by approximately $460 million each year if illegal logging was eliminated. FSIP also works to protect U.S. interests relative to increasing biological defenses for invasive species and improving habitat conditions overseas for threatened and endangered U.S. migratory species.

We respectfully request the Subcommittee support FSIP maintaining FY13 enacted levels by appropriating $8 million for FY 2014. This will ensure that FSIP remains an integral part of the U.S. forest policy and practice.

Combating Illegal Logging and Leveling the Playing Field for American Producers
One of most important contributions FSIP makes to the American economy is to level the playing field in international trade for U.S. timber producers. Illegal logging is a complex and multifaceted issue, affecting international trade, the long-term viability of forest ecosystems, land tenure, rural poverty, and governance. It has detrimental impacts on the US forest products industry and disrupts market access, resulting in huge losses in potential revenue for American producers.

FSIP dedicates roughly a quarter of its budget towards a variety of measures to prevent illegal logging from many different angles: a) by developing science and cutting-edge technologies to enable field identification of wood type and origin; b) by facilitating interagency efforts to coordinate and make policy relative to the inspection, investigation and prosecution of illegal logging cases; and, c) by providing technical assistance to targeted countries facing serious illegal logging challenges, such as Peru, Honduras, Russia, Indonesia and the Congo Basin. Some highlights of FSIP programs include:

Combating Illegal Logging: *Science and Technology*
The U.S. Lacey Act as Amended (as well as the European Union Timber regulation) has generated strong incentives for the development of technology to help identify wood species and verify their origin. During the past two years, the FSIP, the Agency for International Development (USAID) and the Department of State have strengthened their cooperation in addressing illegal logging worldwide. Part of this outreach involves researching, testing and disseminating new technologies and actions that can be used to enhance due care compliance and wood identification as required by Lacey Act declaration, by voluntary actions of due care, or by law enforcement.

Two of the most promising applications of science fall within two general areas: The use of wood anatomy or cell structure to identify wood either through macroscopic or microscopic features, and the use of genetic analysis to create DNA fingerprints of priority wood species which can also be traced to origin. The USFS has been supporting research to develop a smartphone application that can be used to identify tropical species based on wood anatomy, and also is working with several countries exploring similar technologies. In the area of applying genetic analysis, the USFS has supported initial work by US scientists on collecting data on Big Leaf Mahogany (*Swietenia macrophylla*) in Latin America and is also working with USAID on supporting applied research in Russia to test the use of DNA fingerprints on temperate species of oak in collaboration with the Johann Heinrich von Thunen Institute of Germany. Unlike other wood id technologies, DNA fingerprints are inherent natural characteristics of the individual tree/wood itself that are not falsifiable and can provide legal proof in a court of law.

In addition to its efforts to advance science and technology, FSIP is facilitating the development of interagency networks for forensic investigation of illegal logging cases. Expertise related to enforcement of the Lacey Act is fragmented among an extensive array of federal labs, management authorities, investigative and prosecutorial entities within the federal government. The Forest Service plays a unique convening role to bring agencies with complementary expertise to collaborate to combat illegal logging.

Combating Illegal Logging: *Targeted Bilateral Assistance*
FSIP manages a variety of targeted technical assistance programs to assist countries facing serious illegal logging challenges. These programs include:

- **PERU:** The FSIP's Peru Forest Sector Initiative (PFSI) assists the government of Peru in complying with the obligations of the U.S.-Peru Trade Promotion Agreement in partnership with the U.S. Agency for International Development. The collaboration focuses on the development of an information and control system for chain of custody for CITES-listed species; support for population studies for mahogany and cedar; design of forest inventories; development of skill in forest and wildlife management including community and indigenous forest management; organizational design and training to regional governments; support to the anticorruption plans for the forest sector; and environmental prosecution training. The launch of the prototype marks an important milestone in FSIP support to Peru for improved transparency and timber chain of custody. The prototype is currently being implemented in Peru's most complex timber corridor, from harvest in the region of Loreto, to transformation in Ucayali, transportation through Huanuco to Lima, and finally to the port of Callao for export. At a checkpoint in Pucallpa, Ucayali, officials successfully utilized the prototype to generate its first automated waybill. At least two more test corridors will follow in the coming months.

- **HONDURAS:** FSIP collaborates with the Honduran forestry authority (National Institute of Forest Conservation and Development, Protected Areas and Wildlife) to support and promote the Honduran national strategy for the control of illegal logging. USFS-IP has supported a) workshops on the identification of the most common illegally traded wood species and on the legal processes related to illegal timber trade, b) outreach events and c) public service announcements aimed at creating awareness about illegal logging. The objectives of the workshops, outreach events and communication campaigns have been to share information about the national strategy, about relevant laws and to promote the benefits of sustainable and legal forest management to NGOs, the general public, and other stakeholders. USFS-IP has also collaborated with the Department of Justice on their activities regarding controlling illegal logging in Honduras and with the New Mexico State University on their initiative to look at the DNA of Mahogany.

- **RUSSIA:** FSIP work cooperatively with partners in Russia to address illegal logging through activities on environmental governance, the Lacey Act and law enforcement, log tracking, and DNA technology. In an effort to build upon these efforts and engage active and interested parties in Russia, FSIP implemented a U.S.-Russia exchange program on forest law enforcement and timber theft investigation. The visit focused on the U.S. Lacey Act; highlighted and explored relevant timber theft case studies that demonstrate law enforcement, investigation, and prosecution processes in the U.S.; and relevant technologies that can enhance law enforcement efforts to address and deter illegal logging.

- **CONGO BASIN:** FSIP collaborated with partners to present information related to the U.S. Lacey Act, the European Timber Regulation, and technologies to promote the trade of legal timber originating in the Congo Basin at the annual RACEWOOD trade fair. FSIP promoted good governance and legality in the forest sector through a regional exchange highlighting technologies and systems that specifically relate to efforts to improve due diligence for legality.

- **INDONESIA:** The US Forest Service has had a long-term technical cooperation program with the Indonesian Ministry of Forestry and other Indonesian government agencies, civil society organizations and universities regarding best management practices for combatting illegal logging, promoting sustainable forest management and collaborative forest planning.

Protecting the U.S. from Invasive Species

Invasive forest pests have a destructive impact on American forests and inflict billions of dollars of damage to the U.S. economy every year. For example, an invasive wood boring beetle, the Emerald Ash Borer (EAB), has now spread through 18 states. It has cost municipalities, homeowners, and the forest product industry tens of millions of dollars. EAB, specifically its larvae, inflicts almost one hundred percent mortality in the ash trees by disrupting the ash tree's ability to carry water and nutrients, eventually killing it. In order to mitigate this and other invasive threats, the US Forest Service International Programs facilitates cooperative projects between agency scientists and land managers and counterparts in those countries where the invasive species originate. One effective and inexpensive technique that they are using is to identify and use bio-control agents, or a pest's natural enemies, to reduce its population. In the case of EAB, three parasitoid wasps, natural enemies of EAB, have been found in Asia.

In addition, FSIP works with USDA Agriculture Research Service and partners in China to discover, identify, and evaluate additional natural enemies of EAB in its native range. Two locations with different forest types are being selected in China and specimens of key natural enemies will be collected and evaluated tor their potential use in biological control programs. The US Forest Service International Programs has worked to address other invasive species including Sudden Oak Death, Hemlock Woolly Adelgid, Mile-a-Minute Weed, Beech Bark Scale, European and Asian gypsy moths, and Emerald Ash Borer.

Recovering Migratory Species in Decline by Conserving Habitat
FSIP invests heavily in protecting overseas habitat for endangered species listed on the U.S. Endangered Species Act. Millions of dollars invested into domestic habitat conservation for these species is wasted if the wintering habitat is not also conserved. For example, FSIP works cooperatively with conservation groups to prevent migratory species from becoming endangered. One of FSIP's earliest migratory species programs is the Copper River International Migratory Birds Initiative (CRIMBI). The impetus for this initiative is the migration of millions of shorebirds and waterfowl through the Copper River Delta on the Chugach National Forest and the realization that the birds using this delta depended on habitat throughout the Western Hemisphere. A current focus is on the Western Sandpiper, a declining species that winters as far south as Peru. CRIMBI work includes intensive mapping of the western boreal forested wetlands in Canada and an assessment of the wintering Brant population in Baja California.

Additionally, the Forest Service works with partners to protect other species. Wild Pacific salmon migrate from the rivers of the West Coast of North America and Eastern Russia to the Pacific Ocean. FSIP works in Eastern Russia with partner organizations to improve watershed management for wild salmon stocks. Also in Russia, FSIP has invested in the recovery of the Korean pine-deciduous forests relied upon by prey species such as wild boar and deer that has resulted in a steady recovery of the Siberian tiger over the past decade.

In conclusion, we appreciate the support of the Subcommittee and request funding for FSIP of $8 million in Fiscal Year 2014. Continued investment in international conservation will improve our economic security, while helping our domestic species to flourish and protecting our local ecological habitats from invasive species. It will also reaffirm our position as the preeminent conservation leader in the world.

Sincerely,

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National Recreation and Park Association

Written Testimony of Barbara Tulipane, President and CEO
Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Regarding Fiscal Year 2014 Appropriations
April 24, 2013

Thank you Chairman Simpson, Ranking Member Moran, and other honorable members of the subcommittee for the opportunity to submit written testimony pertaining to funding for the Land and Water Conservation Fund's (LWCF) State Assistance Program and the Urban Parks and Recreation Recovery Program (UPARR) in the Fiscal Year (FY) 2014 Interior Appropriations bill.

Overview of Funding Request:
As outlined below, we encourage you to renew the federal investment in the LWCF. However, given that the purpose of the Act is to help preserve, develop, and assure access to outdoor recreation facilities to strengthen the health of U.S. citizens, we urge you to make a greater investment in states and local communities by:

- Allocating a minimum of 40 percent of FY 2014 LWCF appropriations to the State Assistance Program;
- Maintaining the State Assistance Program's distribution formula in its current form; and
- Allocating $15 million in funding for the UPARR in FY 2014 out of total LWCF appropriations.

About the National Recreation and Park Association:
The National Recreation and Park Association (NRPA), is a nonprofit organization working to advance parks, recreation and environmental conservation efforts nationwide. Our members touch the lives of every American in every community every day. Through our network of approximately 30,000 citizen and professional members we represent park and recreation departments in cities, counties, townships, special park districts, and regional park authorities, along with citizens concerned with ensuring close-to-home access to parks and recreation opportunities exist in their communities.

40 Percent Allocation of Total LWCF Appropriations to the State Assistance Program:
There is a common misconception that LWCF is merely a federal land acquisition program. Nothing could be further from the truth, as the LWCF State Assistance Program provides dollar-for-dollar matching grants to states and local communities for the construction of outdoor recreation projects. The land purchased with LWCF State Assistance funding remains the property of the state or local government, and the resources developed through the LWCF remain publicly accessible in perpetuity.

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The LWCF provides numerous benefits to local communities across America, and it does so through a well-recognized and dedicated funding source - namely oil and gas leasing revenues. Over $6 billion a year is provided through these leases, with a small fraction provided to the LWCF. Unfortunately an even smaller fraction is provided to the State Assistance Program. This is in large part due to the fact that current law mandates that a minimum of 40 percent of the total LWCF annual appropriations must be provided to the federal land acquisition program without specifying an amount for the State Assistance Program.

As a result, states and local communities have historically received a very disproportionate share of the total LWCF appropriations, with only 11percent of total LWCF funding going to the State Assistance Program since 1998. Most recently, in Fiscal Years 2012 and 2013, you provided approximately $322 million for the LWCF, with $44 million, or 13 percent, allocated to the State Assistance program.[1] We appreciate that you've recently recognized the importance of the State Assistance Program and allocated a larger percentage of total LWCF appropriations to it. For nearly 50 years, however, the bulk of the work to carry out purpose of the Act has fallen on local communities to handle alone. For the reasons outlined below, we are asking you to empower states and local communities to do more to preserve, develop, and assure access to outdoor recreation facilities to strengthen our nation by allocating 40 percent of total LWCF appropriations to the State Assistance Program in FY2014.

LWCF State Assistance's Return on Investment and Return on Objective:

One of the key aspects of the LWCF State Assistance Program is the ability to create jobs. The outdoor recreation industry, as such is supported by LWCF State Assistance, is an economic powerhouse in the United States. According to the Outdoor Industry Association, the industry generates $646 billion in consumer spending and supports over 6 million jobs annually.[2] Impressively, this section of the economy continues to grow even during the ongoing economic recession, and thus has enormous potential to immediately create new jobs. For example, the Outdoor Industry Association reported in October 2011 that the outdoor recreation industry grew at a rate of 5 percent annually between 2005 and 2011. Considering there are 7,800 state and over 100,000 locally managed parks throughout the country, it is obvious that outdoor recreation is most prevalent at the state and local level. In fact, the National Association of State Park Directors reports that America's state park system contributes $20 billion to local and state economies each year.[3] There is no doubt, that it is the LWCF State Assistance Program that provides the places, spaces, and opportunities for outdoor recreation which stimulates the outdoor industry.

When viewed through the lens of the importance of the American outdoor recreation industry, the LWCF State Assistance Program has, for more than four decades, achieved a proven return on investment (ROI) demonstrated by the fact that $3.7 billion in federal support has leveraged nearly $4 billion additional dollars in matching funds. But the benefits of this program, don't stop there, as the State Assistance Program has not only provided a ROI, but has also done a tremendous job of providing an outstanding return on objective for the American taxpayer by ensuring access for all.

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[1] Amounts reflect amounts provided through appropriations and do not reflect sequestration reduction.
[2] Outdoor Industry Association, "The Outdoor Recreation Economy Report 2012"
[3] NASPD Annual Report, March 2013

It is well known that not everyone has the ability to visit one of our treasured national parks, and even those who do so are unable to on a regular basis as national parks are often vacation destinations or once-in-a-lifetime trips. To the average Ameriean, however, the neighborhood park – down the street, open and accessible to the public, and without an admission fee – is the most important public space in their lives. Many of our country's local places, spaces, and opportunities for outdoor recreation are provided through this program, with more than 40,000 grant projects located in 99 percent of America's counties.

The State Assistance Program is the only federal investment tool dedicated to ensuring that Americans have access to local public recreation opportunities. Because the LWCF State Assistance Program provides close-to-home recreation opportunities, millions of Americans, young and old, are annually connected with nature and provided the ability to be physically active and simply enjoy a life that they may otherwise be denied.

The LWCF State Assistance Program ensures that local communities, such as American Falls, Idaho and Alexandria, Virginia have places where adults and children can go to recreate and enjoy the outdoors. It is a means by which this committee can provide investment to critically important local parks, including: Klickitat Prairie Park in Mossyrock, Washington; Thompson Park in Barbourville, Bob Amos Park in Pikeville, Kentucky; and the Forest Ridge Preserve in Moreland Hills, Ohio. Each of the aforementioned communities benefited from State Assistance grant funding in FY 2012.

LWCF State Assistance Provides Health and Environmental Benefits:
In addition to creating jobs and ensuring access for all, the LWCF State Assistance Program delivers tangible health benefits, contributing to the overall health and well-being of Americans. The National Park Service recognizes this through its Healthy Parks Healthy People US initiative, which aims to increase public recognition of parks and public lands (including state, local, and regional park and trail systems) as places for the promotion of physical, mental, and social health. The CDC reports that childhood obesity has tripled in the last 30 years, less than 25 percent of adults engage in recommended levels of physical activity, and that obesity is a leading cause of chronic disease. As noted by the CDC, increased access to parks, green space, and recreation opportunities is essential to becoming a healthier nation and reducing unsustainable health care costs.

The LWCF State Assistance Program also significantly contributes to protecting the environment and promoting environmental stewardship. LWCF State Assistance projects have a historical record of contributing to reduced and delayed stormwater runoff volumes, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflow events, increased carbon sequestration, urban heat island mitigation and reduced energy demands, resulting in improved air quality, increased wildlife habitat, and increased land values on the local level.

Maintaining The LWCF State Assistance Program's Current Distribution Formula:
As noted above, close-to-home public parks and recreation are available to every age, ethnicity, gender, and socio-economic class in every community, both urban and rural, in every state. This is made possible because LWCF State Assistance funding has always been allocated by formula,

whereby a portion of funds are equally allocated among all states and territories and the remainder is allocated based on population. This ensures that 100 percent of the State Assistance funding is equitably distributed throughout the nation.

In FY 2012 and FY 2013, attempts were made to change the LWCF State Assistance distribution formula for the purposes of a Department of the Interior (DOI)-controlled competitive grant program whereby DOI officials would decide the needs of local communities. NRPA believes that local needs are best determined and addressed at the community level. For almost 50 years this has been achieved through the balanced, formula-based distribution approach of the State Assistance Program. We thank you for preserving the State Assistance Program's existing distribution formula in FYs 2012 and 2013 and ask you to continue that preservation in FY 2014.

Revitalizing Urban Parks and Recreation through Funding of UPARR:
While the LWCF has indeed benefited virtually every community in the country, many of our nation's cities and urbanized counties face distinct challenges that require additional resources. Recognizing this fact as well as the importance of public parks and recreation to larger urban renewal and community development efforts, Congress established the Urban Parks and Recreation Recovery Program (UPARR) to provide matching grants directly to localities in metropolitan areas. Over the course of more than two decades UPARR provided $272 million for nearly 1,500 projects in 380 communities. This enabled neighborhoods across the country to restore both outdoor and indoor recreation facilities; support innovative recreational programming and enhance delivery of services and programs that provided constructive alternatives to at-risk youth.

Despite its successes, UPARR has not been funded since FY 2002, yet many of the urban open space and recreation challenges still exist today. NRPA is very pleased to see UPARR in the President's FY 2014 budget and calls on Congress to update and fund this needed program to enable metropolitan areas to address quality of life, health and wellness, and conservation issues as they improve their communities and make them more attractive for families and businesses alike. Both LWCF State Assistance and UPARR are critical to providing Americans close to home recreation opportunities. The programs complement each other and NRPA implores Congress to fund UPARR from total LWCF appropriations but not at the expense of the already underfunded State Assistance Program.

Mr. Chairman and members of the committee, few programs can address so many national priorities as effectively as the LWCF State Assistance Program and UPARR do, with so few dollars and without negatively impacting the federal budget. This subcommittee and Congress have the rare opportunity to achieve national goals without increasing spending or adding to the deficit, and can do so by adopting three simple recommendations: Allocate a minimum of 40 percent of LWCF funding to the State Assistance Program; prohibit any diversion, or change to, the formula funding being made available to States through the State Assistance Program; and address the need for improved infrastructure in urban areas by allocating a portion of the total LWCF funding to UPARR.

Thank you again for the opportunity to share NRPA's recommendations and your consideration of our request.

22377 Belmont Ridge Road Ashburn, VA 20148-4501

TESTIMONY
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2014
Submitted by Nancy Perry, Senior Vice President of Government Relations
American Society for the Prevention of Cruelty to Animals
April 25, 2013

On behalf of our 2.5 million supporters, The American Society for the Prevention of Cruelty to Animals (ASPCA) appreciates this opportunity to submit testimony to the Senate Appropriations Subcommittee on Interior, Environment and Related Agencies. Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States, and for that reason we request the Subcommittee consider the following concerns regarding BLM's Wild Horse and Burro Program when making FY2014 appropriations.

Wild Horses

In the forty years since the Bureau of Land Management (BLM) was first charged with protecting our country's wild horses and burros, Americans have witnessed BLM's Wild Horse and Burro Program deteriorate into a continuous cycle of roundups and removals with little regard to the preservation-focused mandate dictated by The Wild Free-Roaming Horses and Burros Act (the Act). Our wild horses and burros are to be revered as historical icons, treated humanely, and managed fairly and respectfully on our public lands. We appreciate BLM's recognition that there is a great need for reform in the Wild Horse and Burro Program. We applaud its effort to incorporate the use of on-the-range management methods such as immunocontraception and to find alternatives to long-term holding of wild horses. However, further and significant reformations must be swiftly incorporated.

Prohibit BLM funding for euthanasia or sale of wild horses as management methods

In December 2004, Congress passed the Consolidated Appropriations Act for Fiscal Year 2005 which contained a provision that amended the Wild Free-Roaming Horses and Burros Act to allow for the sale of certain groups of wild horses and burros. This instant transfer of title from the U.S. government to the individual purchaser revokes the animal's status as a protected equine and makes mustangs vulnerable to the still-thriving horse slaughter industry. Additionally, in 2008 BLM publicly announced that it was considering using its statutory authority to destroy old, sick, or unadoptable wild horses and burros for the first time by implementing mass euthanasia as a population control method. The roar of public opposition that followed forced BLM to quickly withdraw the proposal. However, both the sale provision and the language allowing for the destruction of wild horses and burros remain in the law.

Last September, published reports revealed that since 2009, the BLM has sold more than 1,700 captured mustangs – 70% of the animals sold during the program – to a single Colorado

livestock hauler who has been a longtime kill buyer for the horse slaughter industry.[1] Although the BLM has implemented interim measures to prevent such a large number of horses being sold to one individual, Congress must send a clear message that the slaughter of our nation's wild horses and burros is a gross violation of the Wild Free-Roaming Horses and Burros Act. Congress's opposition to the slaughter of our nation's wild horses and burros has been repeatedly stated in past appropriations acts, and again in the Consolidated Appropriations Act for 2012, the current funding vehicle for the Department of Interior. The President's FY2014 budget request includes an administrative provision to bar appropriations for the euthanasia of healthy horses and the sale to slaughter. **The ASPCA requests that the Subcommittee retain the language in the President's request by adopting the following language: "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products."**

Ensure that removals do not exceed adoption demand

The majority of BLM's budget is spent caring for wild horses in long-term holding facilities. The budget requested for BLM's Wild Horse and Burro Program has necessarily increased each fiscal year, as has the portion of the budget that funds the care of wild horses in long-term holding facilities. Unfortunately, instead of letting these wild horses remain in their natural habitats as part of their established herds, their family structures have been disrupted and they have been removed to fenced facilities where taxpayer dollars go for their care. There are now as many or more wild horses in holding facilities as in the wild. Without substantial change in management techniques, the number in holding facilities will only increase and taxpayer dollars will be further wasted in ever increasing amounts. The ASPCA believes wild horses belong in their natural habitats and should not be subject to the terror of removals nor the confines of holding facilities without hope of return to the range or adoption.

Adoption rates have varied between 3,000 and 4,000 horses since 2008. During the same time period, BLM has rounded up and removed approximately 7,800 horses annually – several thousand above the adoption demand – thereby guaranteeing most of those wild animals will be kept in taxpayer-funded holding facilities for the remainder of their lives. Warehousing horses in holding facilities does nothing to manage the on-range populations and only delays the inevitable need for more preventative management. This cycle must be broken. **The ASPCA encourages BLM to limit the number of horses removed from the range to the number matching current adoption demand.**

Prioritize on-the-range management over roundup and removal

The Wild Free-Roaming Horses and Burros Act makes clear that on-the-range management should be preferred over roundup and removal as the primary method of wild horse management. There are multiple ways BLM can reform its program to favor on-the-range management methods.

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[1] "All the Missing Horses: What Happened to the Wild Horses Tom Davis Bought From the Gov't?" ProPublica: September 28, 2012.

The ASPCA realizes that there are situations where population control is necessary, and we appreciate BLM's public recognition that fertility control methods must be a significant part of wild horse population management. Porcine Zona Pellucida (PZP), the contraceptive vaccine that has been used in managing horse and deer populations for decades, was recently registered by EPA and is now commercially available. In the past, BLM has capped its goal for vaccinating horses at 2,000 horses per year. For PZP to become a serious part of the solution, its use must be increased to levels that will significantly impact population growth. **The ASPCA recommends that the Committee encourage BLM to prioritize the use of humane, reversible fertility control when it is necessary to stem the population growth of wild horse or burro herds.**

In addition to escalating its use of immunocontraception, BLM must also reconsider Herd Management Areas (HMAs) that have been zeroed out as wild horse and burro habitat and make them available for reintroduction. Over 20 million acres of HMAs originally designated as wild horse and burro habitat have been zeroed out and horses have been removed and placed in holding facilities. This 40-year pattern has resulted in American taxpayers paying more each year for the cost of privatized care when millions of acres of habitat are available. **The ASPCA recommends that the Subcommittee direct BLM to reestablish zeroed out HMAs as viable wild horse and burro habitat wherever possible.**

Require humane and transparent roundup operations

Finally, the ASPCA requests that, when roundups are necessary, the Subcommittee charge BLM with establishing humane and transparent standards and procedures for those operations. Observers have witnessed horses suffering and dying due to brutal roundup practices. Foals have been run over such extreme distances that they literally have lost their hooves, and mares have been driven to the point of physical exhaustion. BLM recognizes a need to reform its roundup protocol. The ASPCA applauds this acknowledgement and asks that the Subcommittee encourage BLM to expedite its development of Standard Operating Procedures for roundups that incorporate animal welfare standards. No roundups for removal or any other purposes should occur without procedures in place that will ensure these incidents are never repeated. For the public to continue to invest in this management program and to allow this agency to have any authority over these animals, it is vital that no horse or burro is harmed at the hands of BLM agents or contractors. We also urge the Subcommittee to designate funds for researching and developing protocols that take into consideration the impact of separating family groups of wild horses during removals. To allow for more visibility of roundup operations, and thus more accountability, we urge the Subcommittee to designate funds for the installation of video cameras on helicopters and at trap and holding sites.

Thank you for this opportunity to submit testimony. We appreciate the steps BLM has already taken to reform the Wild Horse and Burro Program, and we look forward to working with the agency on this issue in the future. With the help of the Subcommittee, the BLM Wild Horse and Burro Program can hopefully achieve sustainability and comply with the mission of the Wild Free-Roaming Horses and Burros Act: to protect and preserve these animals as historic American icons.

NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

Strengthening and Enhancing Tribal Justice Systems

An IRS 501(c)(3) Corporation
Federal ID # 84-0611428

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TESTIMONY OF JUSTICE JILL E. TOMPKINS
PRESIDENT, NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2014 BUDGET

APRIL 24- 25, 2013

Chairman Simpson and distinguished Members of the Subcommittee, thank you for the opportunity to submit this testimony in support of increased funding for tribal justice systems in FY2014. I am Justice Jill E. Tompkins, a member of the Penobscot Indian Nation of Maine and the President of the Board of Directors of the National American Indian Court Judges Association (NAICJA.) NAICJA, a non-profit association established in 1968, is comprised of tribal judges, peacemakers and other adjudicators of disputes serving in tribal justice systems from the 565 federally recognized tribal nations in the United States. For the last 45 years, NAICJA has been dedicated to fostering the continued development, enrichment and funding of tribal justice systems as a visible exercise of tribal sovereignty and self-determination. NAICJA supports tribal courts with training and technical assistance services and works to further the public knowledge and understanding of tribal justice systems.

Tribal courts are the frontline institutions for securing the safety, peace and well-being of both Indians and non-Indians throughout Indian Country. With the passage and signing of S. 74, the Reauthorization of the Violence Against Women's Act ("VAWA 2013"), American Indian and the Metlakatla Indian Community's tribal courts are empowered to exercise jurisdiction over prosecutions of non-Indian defendants involved in intimate relationships with Native women who commit acts of violence or who violate protection orders occurring in Indian Country. VAWA 2013 presents great potential to improve safety and justice in Indian Country, however the exercise of this jurisdiction and the requirements placed on the tribal courts come with a significant financial cost. It is critical that this important initiative not falter due to lack of tribal court appropriations as has happened in the past.

I. HISTORIC UNDERFUNDING OF TRIBAL COURT BASE NEEDS

Unfortunately tribal courts have been underfunded for decades—many since the passage of the Indian Reorganization Act in 1934. In 1991, its *Report on the Indian Civil Rights Act, 25 U.S.C. § 1301 et seq.*, the United States Commission on Civil Rights issued its finding that the United States Government failed to provide proper funding for the operation and development of tribal judicial systems, particularly in light of the imposed requirements of the Indian Civil Rights Act of 1968. Finding that the federal government has not lived up to its trust obligations to tribal governments, particularly the tribal courts, the Commission urged Congress to continue to promote the authority of tribal courts, advocate for increased tribal court funding and to work toward strengthening tribal forums. In 1993, the Indian Tribal Justice Act, P.L. 103-176, 25 U.S.C. §3601 (reauthorized in 2000, P.L. 106-559) was enacted. To carry out the provisions of the Indian Tribal Justice Act, Congress authorized annual appropriations of over $58 million annually for each of the fiscal years 1994-1999 with $50 million annually for base support funding for tribal justice systems. Unfortunately, however, a total of only $5 million of the more than $58 million per year authorized was actually appropriated through 1999. The promise of this much needed base funding must finally be fulfilled.

II. INCREASE IN TRIBAL COURT BASE FUNDING AS TOP PRIORITY

In 2008, the American Bar Association issued an extensive report in support of its resolution, "urg[ing] Congress to support quality and accessible justice by ensuring adequate, stable, long-term funding for tribal justice systems."[1] The ABA described the existing funding problem as this: "Without a source of stable, long-term funding, tribal justice systems are funded through a patchwork of sources at the federal level. Both the Department of Justice and the Department of the Interior supply funding through mechanisms such as grants and by funding tribally operated justice systems. This patchwork results in woefully inadequate funding." While grant funding is welcome, the funding is of limited duration for special new initiatives or "pilot projects." It is *base* funding that keeps the tribal judges, court clerks, probations officers and other court officials delivering daily tribal justice services that keep their communities safe and progressing economically.

The new VAWA jurisdiction-related costs follow on the heels the Tribal Law and Order Act ("TLOA") of 2010. TLOA requires tribal courts desiring to exercise the enhanced criminal jurisdiction provided under its terms to provide free appointed licensed attorneys for indigent defendants, law-trained tribal judges who are also licensed to practice law, recorded criminal proceedings and publicly available tribal criminal laws and rules. Many tribal nations desire to exercise the maximum

[1] Found at: http://meetings.abanet.org/webupload/commupload/IR514000/relatedresources/ABA-Tribal-Court-Funding-Resolution-August-2008-117A.pdf

amount of their sovereignty by undertaking the expanded jurisdiction under the TLOA. They hesitate however to do so in light of the reality that there will be insufficient base funding to cover indefinitely the future cost (both financial and human) of the required elements. In VAWA 2013, Congress authorized up to $25 million total for tribal grants in fiscal years 2014 to 2018, but Congress has not yet appropriated any of those critically needed funds. These grants funds would also cover constructions of tribal justice centers that may combine courts, police and corrections services. Only a small minority of tribal courthouses has security measures in place and even fewer are able to employ tribal bailiffs. If tribal courts are going to be holding an increased number of trials, including jury trials, involving defendants charged with felonies and acts of violence then their security needs to be addressed concurrently.

A. Bureau of Indian Affairs Funding

The highest priority with regard to Bureau of Indian Affairs funding is to increase base funding for tribal courts and to finally fund the Indian Tribal Justice Act. It is respectfully requested that the President's FY 2014 budget request for $24.4 million—a slight increase of only $1.0 million from the 2012 enacted level be granted. Given the approximately 350 tribal justices systems in the United States, this is only $69,714 per tribal court systems *to operate for an entire year.* Clearly this is insufficient. It is probable that this figure was developed before the passage of VAWA 2013 and its new fiscal impacts. It is hoped that Congress will see a need to increase this amount significantly above the President's request.

B. Department of Justice Funding

There are at least two very important current Justice Department funding priorities in addition to the grant funding requests pursuant to TLOA and VAWA. The President's budget needs to continue to set aside 7% (or more) of most Office of Justice Programs funding for tribes as has been done in most recent Presidential budgets. While Congress has not yet ratified this approach, tribal percentage set-asides under general agencies/programs (like OVW and BJA) that are going to be funded annually are a much more reliable funding stream than stand-alone tribal funding (for example - the 10% OVW tribal set aside is the reason why OVW Tribal Governments program is largest CTAS funding stream). Second, one of the biggest problems with Justice Department funding is that it is competitive funding for whatever issue DOJ deems the priority at that particular moment (which changes frequently). In order to obtain funding, tribes, on behalf of their tribal courts, have to compete against each other. In the end, the tribes that have the financial and human resources to employ experienced successful grant writers end up being funded—and the under-resourced tribes that most need tribal justice assistance funds are left without.

Rather, the approach should be to utilize Justice Department appropriations as base funding where tribes/tribal courts themselves determine their own priorities. The huge variations in funding from year to year do not allow tribal courts to rely on Justice Department funding for more than one year to three years at most. The Justice Department actually posed the idea of base funding at a recent Office of Violence Against Women ("OVW") Tribal Consultation. Tribal courts should be afforded base funding not just from OVW sources but from Justice Department funding across the board.

III. POTENTIAL SUCCESS OF FEDERAL INVESTMENT IN TRIBAL COURTS

Thoughtful, culturally-grounded innovative tribal courts that utilize well trained judges, prosecutors and defenders and employ restorative justice approaches exist across the country. There are many successes found particularly among the Tribal Healing to Wellness Courts (THWC) where much time, collaboration and services are brought to bear in a criminal or juvenile delinquency case. These types of courts require a large infusion of financial resources in order to implement the needed drug and alcohol testing and treatment, the many staffings by tribal court and tribal agency personnel, individual and family counseling, and the additional court time needed to monitor the progress of the offender-participant. The Justice Department's funding of Drug and THWCs has been one of the most valuable investments in tribal courts and tribal communities in the past two decades. Although these types of forums are very costly to operate, the value of these courts may be counted in lives saved, families restored and communities returned to peace.

IV. TRUST RESPONSIBILITY REQUIRES FULL TRIBAL COURT FUNDING

In a 1970 Special Message on Indian Affairs, President Richard M. Nixon stated, "The government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans." This statement has become a primary source of governmental policy towards the tribes since then. A 1977 Senate report stated it similarly: "The purpose behind the trust doctrine is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs which are necessary to raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society." Any sincere attempt to fulfill the federal government's trust responsibility to American Indian and Alaska Native Nations must include increased funding to support and sustain tribal justice systems. Moreover, in order to realize the promises of safety envisioned by TLOA and VAWA 2013, basic financial resources must be supplied.

Thank you for your time in considering this testimony.

STATEMENT OF THE ENEWETAK/UJELANG LOCAL GOVERNMENT BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

April 24, 2013

Submitted by the
Honorable Jackson Ading, Mayor of Enewetak Atoll; and
The Honorable Jack Ading, Senator representing Enewetak Atoll,
Republic of the Marshall Islands

Mr. Chairman and distinguished members of this Subcommittee:

Thank you for providing us this opportunity to the people of Enewetak to describe issues that relate to our ability to live on our homeland of Enewetak Atoll, which was used as a nuclear test site by the United States from 1947 to 1958.

As the only people ever resettled on a nuclear test site, we face many challenges. Life on Enewetak Atoll is made possible through support provided by the congressionally funded Enewetak Food and Agriculture Program. That program provides funding for imported food, an agriculture rehabilitation program, and the operation of a vessel. Funding is administered by the Department of Interior. We request that funding for that program for FY 2014 be increased by the amount of $500,000, the same amount of increase as provided by Congress in FY 2013.

Also, we hope that this committee will support continued funding of the health program for the four nuclear affected atolls of which we are one, and funding for the environmental monitoring by the Department of Energy of the Runit Island nuclear waste site which is on our atoll.

Before we discuss the particulars of this request, we would first like to thank you, Mr. Chairman, and members of this committee, on behalf of the Enewetak people, for your support in funding the food and agriculture program for our people in the Compact of Free Association. We also thank you for your past support in assuring that the Enewetak Food and Agriculture Program is adequately funded, particularly your support for the $500,000 increase for FY 2013 and your approval of our request to purchase a replacement vessel during FY 2008 from previously appropriated program funds.

As you know, Enewetak Atoll was the site of 43 of the 67 nuclear tests the U.S. conducted in the Marshall Islands. We were removed from our land by the U.S. government to make that testing possible. We were exiled from our land for a period of over 33 years – a period in which we suffered near starvation, poor health, and lack of education.

In 1980, after a significant cleanup, soil rehabilitation, and resettlement effort undertaken by the U.S., we were able to return and live on only a part of our land. A large part of our land and environment remain contaminated making it impossible for us to rely on our natural food resources and preventing us from developing a fishing or tourist economy.

We now live on a former nuclear test site. In fact, we are the only people ever resettled on a nuclear test site. The Enewetak Food and Agriculture Program makes life on Enewetak possible. And that is why we are so thankful to you for assuring funding in the minimum amount of $1.5 million for the program in the Compact.

However, the program was funded at a level of approximately $2.0 million in FY 2013 and close to that amount for the past several years. That funding level needs to continue to maintain the minimum components of the program which include a soil and agriculture rehabilitation program, the importation of food, and the operation of a vessel. Therefore, we request your support for the additional $500,000 for the program for FY 2014 so that the components of the program will be funded in the total amount of $2.0 million, as has been the case these past several years.

In 2008 we faced a challenge with regard to the transportation of food, material, equipment, supplies, and transport of people to and from our atoll. Our atoll is the most distant atoll from Majuro Atoll, the capital of the Marshall Islands. In fact, the distance between Majuro and Enewetak is 600 miles one way. All of our food, material, supplies, and equipment are sent to Majuro for further transshipment to Enewetak. Consequently, a reliable vessel is a lifeline for us. The vessel available to us up to FY 2009 was so old that parts were difficult if not impossible to find. Therefore, we were in the market for a replacement vessel that would be even more suitable for voyages between Enewetak and Majuro than the vessel we had. We found a suitable vessel and greatly appreciate the approval provided by this committee to purchase the replacement vessel from previously appropriated program funds. That vessel was in service as of 2008 and provides the necessary sea transport to support each of the components of the program.

A final comment on the Enewetak Food and Agriculture Program: This program is a true success story. It allows us to live on our homeland while providing the resources which allow us to attempt to accomplish some of the rehabilitation required to transform part of the atoll from a severely damaged nuclear test site to a place that more resembles home. The additional $500,000 to maintain current funding levels will ensure the continued success of this program.

Now we would like to briefly address the four atoll health care program. Funding for FY 2014 is necessary to continue the program. We appreciate the funding for such program provided by the Congress in the amount of $1 million for FY 2013. However, continued funding is required to maintain the key elements of the program which provide for an on-site physician for each of the four atolls, necessary medicines and supplies, funding for a health aide for each atoll, and funding for care of the people of the four atolls at the hospitals in the Marshall Islands when required.

We also need to mention the nuclear waste site on Runit Island. That site was built by the U.S. and contains over 110,000 cubic yards of material including plutonium and other radioactive debris. This site needs to be monitored to assure the integrity of the structure and to assure that no health risks from the radioactive waste site are suffered by us. To effect the foregoing, a long-term stewardship program of Runit Island needs to be implemented by the U.S.

Finally we need to mention our just compensation claims which have yet to be addressed by the United States. As you can imagine, Enewetak was devastated by the 43 nuclear explosions. Over half the atoll requires radiological remediation. The entire atoll requires restoration. The Enjebi people need to be resettled on their home islands in the northern part of the atoll. The U.S. accepted responsibility for the damages it caused at Enewetak, and it agreed that the Nuclear Claims Tribunal was to determine just compensation for our people. That Tribunal has done so. Now the just compensation award must be addressed so that we have the resources to remediate our atoll and to provide our people with the compensation to which they are entitled for the loss of use of their land. We believe that the best way for Congress to address the claims of the Enewetak people is to have the matter referred to the United States Court of

Federal Claims pursuant to the congressional referral process. That process will enable a body familiar with the type of claims examined and addressed by the Tribunal to again examine those claims, and the resulting awards, and provide a recommendation to Congress regarding disposition of the claims.

Again, Mr. Chairman, we thank you and members of this subcommittee for your support which makes life possible for us on our home atoll of Enewetak, and we thank you for your kind consideration of the requests made in this statement.

April 25, 2013

Barbara Sorgatz, Radon Induced Lung Cancer Survivor and Secretary of Cancer Survivors Against Radon (CanSAR) www.cansar.org

My testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program (FY 2014 PB: $2.3M, FY 2012 Enacted: $3.9M, FY 2014 Change: -$1.6M), a divestment of $1.6 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2014 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2014 Change: -$8.0M.), a divestment of $8.0 million eliminates State Indoor Radon Grants (SIRG

I am a six year radon induced lung cancer survivor and a member of CanSar, Cancer Survivors against Radon. I am opposed to the cut in EPA's Radon Program for FY 2014, as stated above and am requesting that funding to the Radon Program and State Indoor Radon Grants (SIRG) be reinstated at the FY 2012 funding levels. In addition, I am asking that EPA funding for all Clean Air Act programs be made contingent upon the administrator invoking a rule within six months (as authorized in the Indoor Radon Abatement Act) that all home sales and occupancy permits require a radon test and/or radon notification of risk.

Before I was diagnosed with radon induced lung cancer in 2007, I had lived in my home in Glen Ellyn, Illinois, a Chicago suburb, completely unaware that I had been living with high radon levels for 23 years. I had been working in the field of public health for 25 years, and yet I knew nothing about radon. Since my diagnosis, I have become a radon advocate, increasing radon awareness and education. I have spoken at many radon conferences that were funded through SIRG. The funding for EPA's Radon Program and Grants must continue, or the number of lives lost annually will increase above the estimated 21,000 since more homes are being built with elevated levels of radon than are being mitigated.

Radon induced lung cancer is a public health issue that needs to be addressed immediately with adequate funding--not be put on the back burner and forgotten. If EPA no longer wants to administer the Radon Program, then the Program needs to be transferred to another federal agency that will manage the program more effectively, such as CDC or HHS.

Thank you for allowing me the opportunity to provide my written testimony.

Sincerely,

Barbara Sorgatz, 22W378 Birchwood Drive, Glen Ellyn, IL 60137
331-481-2824
ringer234@sbcglobal.net

STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION

April 25, 2013

I. REQUEST SUMMARY

On behalf of the nation's **Tribal Colleges and Universities (TCUs)**, which together compose the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our Fiscal Year 2014 (FY 2014) appropriations recommendations for the 29 colleges funded under the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the **Bureau of Indian Education** postsecondary institutions; and the Institute of American Indian Arts. The Bureau of Indian Education administers these programs, save for the Institute of American Indian Arts, which is congressionally chartered and funded directly through the Department.

In FY 2014, TCUs seek **$75 million** for institutional operations, an endowment building program, and technical assistance grants under the *Tribally Controlled Colleges and Universities Assistance Act of 1978* or Tribal College Act; **of which**, $74.3 million for Titles I & II grants (27 TCUs); $109,000 for Title III (endowment grants), and $600,000 for increasingly needed technical assistance. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the federal government. Despite this trust responsibility and treaty obligations, the TCUs' primary source of basic operating funds has never been fully funded. With sequestration in effect, promising significant annual cuts to this already underfunded program, the more than 30 year federal investment in this solid program will be lost, as some of these institutions may be forced to close their doors. This path to a bottom line number defies logic. Even before sequestration cuts, despite modest increases in funding, the TCUs' basic institutional operations grants have lost ground. Our FY 2014 request seeks to achieve 75 percent of the authorized funding level for institutional operating grants, which is based on a per Indian student allocation, and to retain $600,000 to provide critically needed ever changing technical assistance.

AIHEC's membership also includes **tribally controlled postsecondary career and technical institutions** whose institutional operations funding is authorized under Title V of the Act; AIHEC supports a request for **$9.372 million**. There are three additional TCUs funded under separate authorities and within Interior Appropriations, namely: Haskell Indian Nations University, Southwestern Indian Polytechnic Institute, and the Institute of American Indian Arts. AIHEC supports their independent requests for support of the institutional operating budgets of these institutions.

Lastly, AIHEC seeks a **one-time appropriation of $17.4 million needed to forward fund the operations grants of the remaining TCUs that are not so funded**. Five TCUs are the ONLY schools whose operations funding come from the Department of the Interior that are NOT forwarded funded. All other BIE/Interior schools are forward funded and are able to plan multi-year budgets and start (and end) the school year with dependable funding. Forward funding does NOT increase the federal budget over the long-run. It simply allows critical education programs to receive basic operating funds before each school year begins, which is critically important when the federal government is funded under continuing resolutions.

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II. TCU SHOESTRING BUDGETS: "DOING SO MUCH WITH SO LITTLE"

Tribal Colleges and Universities are an essential component of American Indian/Alaska Native (AI/AN) education. Currently, there are 37 TCUs operating more than 75 campuses and sites in 15 states, within whose geographic boundaries 80 percent of American Indian reservations and federal Indian trust land lie. They serve students from well over 250 federally recognized tribes, more than 75 percent of whom are eligible to receive federal financial aid. In total, the TCUs annually serve about 88,000 AIs/ANs through a wide variety of academic and community-based programs. TCUs are accredited by independent, regional accreditation agencies and like all U.S. institutions of higher education must periodically undergo stringent performance reviews to retain their accreditation status. Each TCU is committed to improving the lives of its students through higher education and to moving American Indians toward self-sufficiency.
To do this, TCUs must fulfill additional roles within their respective reservation communities functioning as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places, and child and elder care centers.

The federal government, despite its direct trust responsibility and treaty obligations, has never fully funded the TCUs' institutional operating budgets, authorized under the Tribally Controlled Colleges and Universities Assistance Act of 1978. Almost every other U.S. institution of higher education receives institutional operations funding based on its entire student body. However, it is important to note that although about **17 percent of the TCUs' collective enrollments are non-Indian students** living in the local community, TCUs **only receive federal funding based on Indian students**, which are defined as members of a federally recognized tribe or a biological child of a tribal member. Currently, the Administration requests and Congress appropriates over $200 million annually, towards the institutional operations of Howard University (exclusive of its medical school), *the only other MSI that receives institutional operations funding from the federal government.* Howard University's current federal operating support exceeds $19,000/student. In contrast, most TCUs are receiving $5,665/Indian Student (ISC) under the Tribal College Act, about 70 percent of the authorized level. TCUs have proven that they need and have earned an investment equal to -- at the very least -- the congressionally authorized level of $8,000/ Indian student, which is only 42 percent of the federal share now appropriated for operating Howard University. Please understand that we are by no means suggesting that our sister MSI, Howard University does not need or deserve the funding it receives, only that the TCUs also need and deserve adequate institutional operations funding; however, their operating budgets remain grossly underfunded.

While many TCUs do seek funding from their respective state legislatures for their students that are non-Indian state-residents (sometimes referred to as "non-beneficiary" students) successes have been at best inconsistent. TCUs are accredited by the same regional agencies that accredit mainstream institutions, yet they have to continually advocate for basic operating support for their non-Indian state students within their respective state legislatures. If these non-beneficiary students attended any other public institution in the state, the state would provide that institution with ongoing funding toward its day-to-day operations. Given their locations, often hundreds of miles from another postsecondary institution, TCUs remain open to all students, Indian and non-Indian, believing that education in general, and postsecondary education in particular is the silver bullet to a better economic future for their regions.

III. FURTHER JUSTIFICATIONS

a) **TCUs provide access to valuable postsecondary education opportunities.** Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. In fact, seven of the nation's 10 poorest counties

are home to a TCU. The U.S. Census Bureau, American Community Survey indicates the annual per capita income of the U.S. population is $27,100. However, the annual per capita income of AI/ANs is just $13,300, about half that of the general population. TCUs offer their students a high level of support and guidance to bolster their chances of achieving academic success. In addition to serving their student populations, these tribal institutions offer a variety of much needed community outreach programs.

b) TCUs are producing an American Indian workforce that includes highly trained American Indian teachers, tribal government leaders, nurses, engineers, computer programmers, and other much-needed professionals. By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities and the nation as a whole. In contrast to the high rates of unemployment on many reservations, graduates of TCUs are employed in "high demand" occupational areas such as Head Start teachers, elementary and secondary school teachers, agriculture and land management specialists, and nurses/health care providers. Just as important, the vast majority of tribal college graduates remains in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

IV. ADDITIONAL FACTS

a) A growing number of TCUs - Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since they were first funded in 1981, appropriations have increased at a disproportionately low rate. Since 1981, the number of tribal colleges has more than quadrupled and continues to grow; Indian student enrollments have risen over 350 percent. Since FY 2005, five additional TCUs have become accredited and eligible for funding under Title I of the Tribal College Act, another will be eligible for funding next year, and there are several more colleges in the pipeline. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and universities and increasing enrollments have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

b) Local Tax and Revenue Bases - TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 70 percent.

(c) Gaming and the TCUs - Although several of the reservations served by TCUs do have gaming operations, these are not the mega-casinos located in proximity to urban outlets and featured in the mainstream media. Only a handful of TCUs receive regular income from the chartering tribe's gaming revenue, and the amounts received can vary greatly from year to year. Most reservation casinos are small businesses that use their gaming revenue to improve the local standard of living and potentially diversify into other, more sustainable areas of economic development. In the interim, where relevant, local TCUs offer courses in casino management and hospitality services to formally train tribal members to work in their local tribally run casinos.

Although some form of gaming is legalized in 48 states, the federal government has not used the revenues generated from state gaming as a justification to decrease federal funding to other public

colleges or universities. Some have suggested that those tribes that operate the few enormously successful and widely publicized casinos should be financing higher education for all American Indians. However, no state is expected to share its gaming revenue with a non-gaming state.

V. PRESIDENT'S BUDGET AND APPROPRIATIONS REQUEST FOR FY 2014

As noted earlier, it has been over three decades since the Tribal College Act was first funded, and the TCUs have yet to receive the congressionally authorized per Indian student funding level. To fully fund the TCUs' institutional operating grants at $8,000 per Indian student, would require an increase of approximately $30 million over the FY 2013 appropriated level. However, we do recognize the budget constraints the nation is currently facing and consequently, we are not requesting that level of increase in FY 2014, but rather seek to achieve 75 percent of the authorized funding level, determined by the per Indian student allocation, which requires an increase of $11.1 million over FY 2013 and $5.2 million over the President's FY 2014 Budget request. Details of the request are outlined in the Request Summary above.

VI. CONCLUSION

Tribal Colleges and Universities provide quality higher education to many thousands of American Indians and other reservation residents who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your serious consideration of our FY 2014 appropriations requests.

Lawrence A. Selzer
President and CEO, The Conservation Fund
April 16, 2013

Chairman Simpson, Ranking Member Moran, and members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, thank you for this opportunity to submit testimony on behalf of The Conservation Fund for the Subcommittee's Public Witness Hearing. The Conservation Fund (TCF) supports full funding of the President's budget request of $600 million in fiscal year 2014 for the Land and Water Conservation Fund (which includes the land acquisition programs of the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service (FWS), U.S. Forest Service (USFS) and Cooperative Endangered Species Conservation Fund). Additionally, TCF supports full funding of the President's request for the FWS's North American Wetlands Conservation Fund ($39.4 million) and USFS's Community Forest and Open Space Conservation Program ($4 million).

The Conservation Fund (TCF) is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners; federal, state and local agencies; and other partners to conserve our nation's important lands for people, wildlife and communities. To date, TCF has helped our partners to conserve over 7.2 million acres. These accomplishments are due, in large measure, to the leadership of this Subcommittee over many years to appropriate funds to federal agencies to acquire lands for future generations.

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 & Related Agencies Appropriations bill, there are several key points we respectfully request you to consider, listed below. Each of the funding amounts below reflects the FY2014 President's Budget request.

1. **Land and Water Conservation Fund (LWCF) at $600 million**: Funding at the recommended $600 million is critical for the nation's premier conservation program, a bipartisan agreement from almost 50 years ago. As the lists of ready LWCF projects below show, there are many opportunities that will be lost without this funding. We also strongly believe that LWCF should be funded at the full authorized level of $900 million by FY 2015 due to the clear need that has been demonstrated across the nation and the promise to the nation that proceeds from offshore oil and gas development would help protect the public trust.

   The LWCF Budget includes four Collaborative Landscape Program (CLP) areas that we ask you to support: Crown of the Continent, National Trails System, California Desert, and

Longleaf Pine. In each CLP, several Federal land agencies are partnering with local groups, non-profits and private interests to support conservation and make a lasting impact.

2. **Bureau of Land Management Land Acquisition at $48.926 million.** The BLM and its National Conservation Lands provide some of our nation's best recreation and historic areas. From fishing at the North Platte River in Wyoming to exploring Pueblo ruins at Canyons of the Ancients in Colorado, we request funding for the following projects:

   - Canyons of the Ancients National Monument, CO , $1.703 million, #2 ranking
   - California Desert CLP: Johnson Canyon ACEC, CA, $1.06 million, #11 ranking
   - Cascade-Siskiyou National Monument, OR, $2.0 million, #11 ranking
   - North Platte River SRMA, WY, $900,000, #16 ranking
   - National Trails CLP: Lewis and Clark NHT and Nez Perce NHT, MT, $1.6 million, #17
   - Aqua Fria National Monument, AZ, $110,740, #20 ranking

3. **National Park Service Land Acquisition at $90.586 million.** Hosting more than 275 million visitors every year, the over 400 National Parks 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, from the lakeshore at Sleeping Bear Dunes in Michigan to the historic trails that allow the public to experience our nation's heritage. We respectfully request funding for the following projects:

   - Sleeping Bear Dunes National Lakeshore, MI, $5.296 million, #2 ranking
   - San Antonio Missions National Historic Park, TX, $1.76 million, #3 ranking
   - California Desert Collaborative: Joshua Tree National Park and Mojave Preserve, CA, $7.595 million, #7 ranking
   - Greenways and Blueways, $4.745 million, #8 ranking
   - Sand Creek Massacre, CO, $319,000, #9 ranking
   - National Trails Collaborative, Multiple states, $25.002 million, #10 ranking

4. **U.S. Fish and Wildlife Service Land Acquisition at $106.330 million.** USFWS National Wildlife Refuges and other USFWS areas are our nation's protectors of clean water, clean air, abundant wildlife and world-class recreation. Funding for FY2014 UWFWS LWCF will help preserve grizzly bear territory of the Rocky Mountain Front in Montana to protect a key river and wildlife corridor at the Neches River NWR in Texas. We respectfully request funding for the following projects:

   - Crown of the Continent Collaborative, MT, $11.94 million, #1 ranking
   - Dakota Grasslands, ND/SD, $8.65 million, #2 ranking
   - Everglades Headwaters, $5 million, #3 ranking
   - Longleaf Pine Collaborative, GA/FL/SC, $9.481 million, #4 ranking
   - Neches River National Wildlife Refuge, TX, $3.0 million, #6 ranking
   - Dakota Tallgrass Prairie WMA, ND/SD, $3.0 million, #7 ranking
   - Lower Rio Grande Valley NWR, TX, $1.0 million, #13
   - Blackwater NWR, MD, $1.0 million, #16

- National Trails Collaborative, PA/NM/WA, $12.66 million, #18

5. **U.S. Forest Service Land Acquisition at $57.934 million.** USFS LWCF funds help with forest management by protecting key inholdings and reduce fire threats. From the longleaf pine in the southeast to the North Carolina Threatened Treasures to the Missouri Ozarks, we are working with willing landowners at the following projects areas and respectfully request funding:

   - Crown of the Continent Collaborative, MT, $31 million, #1 ranking
   - Missouri Ozarks-Current River, MO, $1.76 million, #4 ranking
   - Disappearing Wildlands, GA, $1.435 million, #10 ranking
   - California Desert Collaborative, CA, $10.39 million, #11 ranking
   - North Carolina Threatened Treasures, NC, $1.25 million, #13 ranking
   - National Trails Collaborative, Multiple states, $8.925 million, #15 ranking
   - Cube Cover, $1 million, #16 ranking

6. **LWCF State Grant Programs- Section 6 and Forest Legacy**: We encourage the Subcommittee to fully fund FY2014 President's Budget request for:
   - **FWS' Section 6 Cooperative Endangered Species Conservation Fund -- $84 million**
   - **USFS' Forest Legacy Program - $84.8 million**; project highlights include:
     - Gilchrist State Forest, OR, $3 million, #1 ranking
     - Mahoosuc Gateway, NH, $5.715 million, #3 ranking
     - Brule-St. Crox, WI, $4.5 million, #7 ranking
     - Blood Run National Historic Landmark Area, SD, $1.205 million, #9 ranking
     - Klickitat Canyon Working Forest, WA, $3.5 million, #10 ranking
     - Rocky Hammock at Broxton Rocks, GA, $2 million, #17
     - Bobcat Ridge, TX, $2.37 million, #22
     - Windham Region Working Forest, VT, $2.185 million, #23
     - Liberty Hill Phase I, SC, $2 million, #25

7. **Priority Land Acquisition Programs:** TCF encourages the Committee to fund:
   - **FWS' North American Wetlands Conservation Fund -- $39.425 million**
   - **USFS' Community Forest and Open Space Conservation Program -- $4 million**

8. **Reauthorization of the Federal Land Transaction Facilitation Act (S. 368):**
   Mr. Chairman, we are grateful for your co-sponsorship of Rep. Lummis' FLTFA reauthorization legislation in past Congresses and request your support to reauthorize this critical program this Congress. The FLTFA program is now expired and we support the FY 2014 President's Budget request to reauthorize this important program that provides conservation funding for the West, at no cost to the taxpayer. Through FLTFA's "land for land" program, BLM sells land identified for disposal to ranchers, farmers, businesses and others to consolidate land ownership, create jobs, support economic development and increase revenues to counties by putting land on the tax rolls. These sales generate funding for BLM, USFS, NPS and USFWS to acquire critical inholdings from willing sellers in certain designated areas, which often complements LWCF, NAWCA and other public and

private funding. The sales provide revenue for federal agencies to acquire high-priority lands with important recreational access for hunting, fishing, hiking, boating, other activities, as well as properties with historic, scenic and cultural resources. Over 90 groups are working together to support Congress' efforts to reauthorize FLTFA.

9. **Department of Interior's Natural Resource Damage Assessment and Restoration Program at $12,539,000.** The Restoration Program leads the national response for recovery of natural resources that have been injured or destroyed as a result of oil spills or releases of other hazardous substances. Recoveries from responsible parties can only be spent to implement restoration plans developed by the Trustee Council for each incident. These funds are one hundred per cent private and represent the amount needed to restore environmental resources or compensate for lost public use since the damage in question. The FY2014 funds would allow the Program to add carefully targeted staff allocated to Interior bureaus and offices through its Restoration Support Unit in order to accelerate restoration activities.

The Conservation Fund stands ready to work with you to secure full and consistent funding for the LWCF, Forest Legacy, and the other critically important programs that help protect the environment, economies, forests, and community values across our nation. Thank you for the opportunity to provide this testimony and you consideration of our request.

April 25, 2013

Gail Orcutt
private citizen, radon-induced lung cancer survivor
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My request to the House Appropriations Interior Environment Subcommittee is that the funding for the State Radon Programs be reinstated and that a fully funded Radon Program in the U.S. Environmental Protection Agency, Indoor Environments Division (USEPA/IED) have an annual budget of $24 to $26 million to offset the loss of dollars through the loss of life from radon-induced lung cancer. The overall value of one life saved which has a value of $7.9 million times 687, the number of lives saved in the year of 2011 through testing and mitigation according to EPA amounts to $5.4 billion.

Exactly three years ago, I was diagnosed with lung cancer. It was an absolute shock to me, my family and my physicians. I have never smoked. exercise frequently, and make other healthy choices. Luckily, the cancer was found early enough so that surgery was an option. My entire left lung was removed, and I endured twelve weeks of chemotherapy.

Even though we had lived in Iowa our entire lives, my husband and I knew nothing about the existence of radon. Three weeks after my surgery, I came across a short article titled "Lung Cancer and Nonsmokers." It was all about radon. That was the first time I had ever encountered the word! When we tested our home, we found that it contained a dangerous level of radon. I had been exposed to this radiation for eighteen years.

Others will write you about all kinds of studies and statistics. I am speaking from personal experience. Since my recovery, I have become an advocate for radon awareness. Iowa has the highest incidence of radon in the entire country. Seven out of ten homes in Iowa contain a life-threatening level of radon. It still surprises me at the number of Iowans who know nothing about radon or don't regard it as something they need to address. As a result, nearly 400 Iowans continue to die from radon-induced lung cancer every year.

This past legislative session I spent many hours at the State Capitol discussing radon with our lawmakers. Iowa has very little policy to protect its citizens from

radon. Now I understand why. Many of the lawmakers I spoke with knew little or nothing about radon, had incorrect information, or had not yet tested their homes.

State agencies need to the continued support of SIRG funds to educate the public and policy makers. Eighty-five percent of those diagnosed with lung cancer do not survive five years. I am determined to be one of the fortunate fifteen percent who do. Why should anyone be diagnosed with lung cancer because they didn't know about radon? Radon-induced lung cancer is so preventable. A continuation of funds to support this will mean no one has to die because of this silent killer.

Respectfully submitted,

Gail Orcutt

Written Statement of Deborah Gangloff, Ph.D.
President & CEO
Crow Canyon Archaeological Center
Cortez, Colorado
To the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2014 Interior and Related Agencies Appropriations Bill
April 19, 2013

The Crow Canyon Archaeological Center represents thousands of supporters who share our mission to advance knowledge of the human experience through archaeological research, educational programs, and collaboration with American Indians. Every year, Crow Canyon attracts thousands of people to our area of Colorado and the Four Corners to learn about archaeology and our shared human heritage. We thank the subcommittee for the opportunity to submit comments on the Fiscal Year 2014 Department of the Interior and Related Agencies Appropriations Bill.

The Bureau of Land Management's (BLM) National Landscape Conservation System (National Conservation Lands) comprises 27 million acres of congressionally and presidentially designated lands and waters, including National Monuments, National Conservation Areas, Wilderness, National Scenic and Historic Trails, and Wild and Scenic Rivers. These lands contain some of the last, best places where one can experience the rich history and scenic beauty of the American West. **We ask Congress to support the President's request of $71.5 million for the National Conservation Lands.**

Stewardship of the National Conservation Lands provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. Although representing only 1/10th of the lands administered by the BLM, the National Conservation Lands consistently draw one third of all visitors to BLM lands annually. Furthermore, according to the BLM, recreation activities in the National Conservation Lands created approximately 20,000 jobs in 2010. The National Conservation Lands create jobs and drive economic development in the mostly rural areas near the units managed as part of this system.

The National Conservation Lands provide immeasurable public values from modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near cities.

The Canyons of the Ancients is a highly-prized, local National Monument here in Montezuma County, Colorado. It protects over 6,000 archaeological sites, while enabling the leasing for carbon dioxide on over 80 percent of its 178,000 acres. The work of the Bureau of Land Management at the Canyons of the Ancients National Monument is a sterling example of not only exemplary public lands management, but of the quality partnerships that can be forged between the public and private sectors.

Since the designation of Canyons of the Ancients National Monument, there has been a 5 percent increase in population and a 10 percent increase in service jobs here in the county. Non-labor

income has increased 28 percent, and there has been a 15 percent growth in real per capita income. Further, the local economy has benefitted from increased heritage tourism, a major economic driver in the county. Research has shown that heritage tourists, those who travel to visit historic and cultural sites and who represent 78 percent of all leisure travelers in the United States, spend 53 percent more time on each trip and spend 50 percent more money per trip. In a beautiful but somewhat isolated county like Montezuma, heritage tourism represents a significant portion of our economy.

Respectfully, we ask Congress to support the Administration's FY 2014 proposal of $71.5 million to ensure the natural, cultural, and historical resource protection provided by the National Conservation Lands for the American public.

We appreciate that in these difficult fiscal times the Subcommittee has many tough choices to make. We hope that our comments will be of help to the Subcommittee as it makes the wise choices to support good conservation that leverages public support with that of the private sector. The National Conservation Lands represent the best investment, and return on investment, for our precious public funds.

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I would like to strongly urge the House Appropriations Interior Environment Subcommittee to reinstate funding for Radon Programs in the Environmental Protection Agency, Indoor Environments Division.

I am a 56 year old 3rd grade teacher who has lived a healthy life style. I have never smoked, never lived with smokers and never worked in a smoking environment, yet I was diagnosed with lung cancer in December of 2008. I was shocked, and so I started researching to find out how I ended up with lung cancer. I found out that radon is the leading cause of lung cancer in nonsmokers.

I immediately bought a radon test kit and tested my home (the kit cost us $10). The results came back at over 250 pCi/L. The EPA recommends that people fix their homes when the radon level is between 2 pCi/L and 4 pCi/L.

I am deeply disturbed that the EPA's budget for 2014 will be reducing funding the Radon Division of the Office of Radiation and Indoor Air Quality. From what I understand, the EPA's draft budget for 2014 would virtually eliminate all regional and headquarters radon staffing and state program grants. EPA is walking away from radon risk reduction, its moral duty, and its legal obligation to the public.

The problem is that most people do not know if they have a radon problem in their home. When we bought our home eight years ago, we had no idea that radon was such a problem in our area (we live 30 miles north of Spokane, Washington). We had a home inspection done, but a radon test was not required or even suggested. Once we knew about the toxically high concentration of radon in our home, the fix was easy. Forty eight hours after the radon ventilation fan was turned on, the radon level dropped to average 1 pCi/L. The cost for a home with our severe problem was about $2500. This was only a fraction of the cost of my lung surgery and the cost of hiring a substitute to teach my class for two months.

You see, I was fortunate, my lung cancer was found while still in stage 1 through an unrelated lung x-ray. My prognosis is great and I am back to teaching and educating my community about the dangers of radon. In spreading the word, I use materials produced by the EPA and the Washington State Department of Health's Radon Programs.

I urge you to fully fund the Radon Program in the EPA to protect our citizens against radon. In 1988, a federal law was passed–the Indoor Radon Abatement Act—which stated that our government would protect the citizens from radon gas with state radon programs providing education and awareness. The National Academy of Sciences Beir VI Report in 1999 estimated

that radon causes up to 22,000 lung cancer deaths annually. To me, it just seems like a no-brainer to expand awareness of the dangers of radon to save lives and health care costs. Please respond to me personally with your action to support the Radon Division of the EPA.

Sincerely yours,

Debra J. Greenman

April 25, 2013

Testimony for Congressman Glenn 'GT' Thompson

For the Interior, Environment, and Related Agencies Appropriations Subcommittee

Fiscal Year 2014

Chairman Simpson and Ranking Member Moran:

Thank you for your service to the Appropriations Committee and the Subcommittee on Interior, Environment and Related Agencies. I appreciate the opportunity to submit testimony for the record in support of programs and issues within the purview of your subcommittee's jurisdiction.

Representing one of the largest and most rural Congressional Districts in the Eastern United States, natural resources, energy and the environment are all critical parts of our heritage and our future. My constituents have lived off the land for generations through farming, forestry, oil & gas production, mining, and various other forms of natural resource development and management. With this in mind, the Department of the Interior and the Department of Agriculture (USDA) play critical roles in my region in regulating and managing these activities; notably through the U.S. Forest Service (USFS), the Environmental Protection Agency (EPA), and the U.S. Fish & Wildlife Service.

The modern petroleum industry began Pennsylvania's Fifth Congressional District, when Colonel Edwin Drake drilled the first commercially successful oil well in 1859. This discovery was a major contributor to American industrialization and lead to the worldwide energy revolution. Access to reliable and affordable energy is critical for all Americans and our economy, while the topic of energy affects virtually every issue before Congress. With the new development of unconventional gas formations, such as the Marcellus in recent years, Pennsylvania has once again become a major domestic energy producer. In addition to oil and gas, Pennsylvania has a long and impactful history with most every form of energy, such as coal and nuclear, as well as hydro, wind and solar, just to name a few.

My home state has also been blessed with abundant forest resources. Pennsylvania, which translates to "Penn's Woods," derives its name from its wondrous forests. The Northern Tier of the Commonwealth, which includes portions of the district I represent, still produces some of the finest and most valuable hardwoods in the world. The is home to Pennsylvania's only national forest, the Allegheny (ANF), which is comprised of 513,000 acres and most of four counties. The actions and management of the ANF by the Forest Service have significant repercussions – positive and negative – upon my constituents and throughout the region.

I find that often I must remind the Forest Service that their mission is one of multiple-use. Forest management, which fundamentally includes timber harvesting, is still the agency's number one priority. The Forest Service has always been housed within the U.S. Department of Agriculture (USDA), and for very clear reasons. However, harvesting within national forests has been substantially reduced over the past twenty years. Compared to their overall level of recommended, sustainable harvest within each forest plan, many national forests produce a paltry few percentage points of harvest on an annual basis. This management trend has not been a benefit for the forests' health, nor the economic wellness of local counties.

In some ways, we have been fortunate with the ANF in comparison to many other national forests around the country, because over 90% of the mineral rights are owned by the private sector. Though challenged over and over again by a few environmental organizations, energy production and timber harvesting coexist within the ANF, with the regulatory role being managed by the appropriate state agencies.

U.S. Forest Service

As discussed, the Forest Service plays a crucial role in my district and in many rural districts throughout the country. Adequate funding levels are critical in meeting the agency's most basic needs to ensure strong economies and sustainable forests. As Chairman of the Agriculture Committee's Conservation, Energy & Forestry Subcommittee, I respectfully request that the Appropriations Committee provide level funding for the Forest Service, specifically for ensuring the dollars for management, harvesting and other core activities.

Two particular core activities I would request funding for are forest research and development (R&D), and dollars for the forest fire FLAME Fund. Pennsylvania has seen considerable destruction of our forests due to invasive species over the years, notably the gypsy moth. Though we have had a great deal of success in dealing with the gypsy moth, we continue to see the emergence of new threats, such as the Emerald Ash Borer and the Hemlock Wooly Adelgid. Therefore, it is essential that we continue to adequately fund forest R&D and our various USFS research labs for tree health and invasive species activities. Through successful research and subsequent application, we can protect and prevent forest disasters from ever occurring. This will better serve the health of our forests and local communities both ecologically and economically. I would also recommend R&D funding for wood products for the purpose of new materials, such as nanotechnology and other applications.

As we have been witnessing, wildfires on federal lands have been trending upwards in the past twenty years or so. In recent years, the Forest Service has been spending nearly half of their budget (roughly $2 billion) fighting wildfires. I respectfully request full funding for these activities; and furthermore, recommend an emphasis on prevention activities.

U.S Fish & Wildlife Service

In addition to forest invasive species, I strongly support funding for activities related to the Asian Carp. In less than twenty years, the Asian Carp has migrated from the southern U.S. and continues to inch closer to the Great Lakes and my district. For years already, this migration has been having major impacts on aquatic and ecological health, fishing and angling, and many other forms of economic and recreational activities. I respectfully request the President's request for activities related to the Asian Carp.

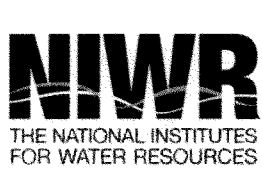
Secondly, the USFWS has been performing remarkable research in aquatic habitats, invasive species and fish genetics. This funding goes a long way in promoting the ecological heath of our many interstate waterways; and by extension, outdoor recreation. Therefore, I recommend adequate funding for these purposes within the USFWS.

National Heritage Areas

National Heritage Areas are sites designated for historical or cultural significance. These areas represent a partnership between the National Park Service (NPS) and local communities. Pennsylvania has more national heritage areas than any other state, and my district is home to the Oil Region Heritage Area. The NPS does not own these areas, but rather provides some technical assistance and limited financial support to encourage tourism, recreation and economic development. I support level funding for the administration of the Heritage Areas.

Conclusion

Thank you very much for the opportunity to submit this testimony. For your convenience, I have also included my previously submitted request to the Subcommittee for FY14 appropriations.



Statement of Dr. Reagan M. Waskom
Director, Colorado Water Institute
On behalf of the National Institutes for Water Resources to the Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies, April 25, 2013

Dr. Reagan M. Waskom
Director, Colorado Water Institute
Colorado State University

Chairman Simpson and Ranking Member Moran:

My name is Reagan Waskom, Director of the Colorado Water Institute at Colorado State University. Thank you for this opportunity to submit this statement on behalf of National Institutes for Water Resources (NIWR), the organization that collectively represents the state water resources research institutes. **My statement is in support of an appropriation of $6,490,000 for the Water Resources Research Act programs as part of the FY 2014 U.S. Geological Survey's budget.**

The Water Resources Research Act (42 U.S.C. 10301 et seq.) establishes a federal-state-university partnership in water resources research, education, and information transfer and dissemination. There are a total of 54 Water Resources Research Institutes located at the land grant universities of the 50 states, as well as in the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. The Act authorized this state-based network of institutes dedicated to solving problems of water supply and water quality in partnership with universities, local governments and the general public. It is the only federally authorized research network that focuses on applied water resources research, education, training and outreach. The institutes are a direct, vital link between federal water interests and needs and the academic expertise located within the states' research universities. It provides a mechanism for ensuring state, regional and national coordination of water resources research, the education of future water professionals, and the transfer of results and outcomes to state and federal water professionals. The matching requirements of the program ensure that states invest in water research and training.

The Water Resources Research Act established two grant components of the USGS Water Resources Research Institutes program. The first component is the base grant program which is divided up equally among the institutes. The Act requires that each federal dollar must be matched by two non-federal dollars. Federal funds cannot be used to pay indirect costs at the universities. This is the strictest match requirement of any federal research program. Each

Institute uses these funds to leverage research and/or student training through a state-wide competitive grants process. In FY2013, each Institute received $92,335, an appropriation of approximately $5.2 million for the base program. NIWR respectfully requests the Subcommittee provide the same funding for these state-based water supply research seed grants, technology transfer, professional education, and outreach to the water-user community by the Institutes.

The second grant component is a national competitive grants program that has the objective of supporting research on water resources problems that are regional or national in nature. Last year this program received 46 applications, which underwent rigorous peer review from a national panel. This panel selected a total of six projects from Alabama, Iowa, Minnesota, New York, Oregon and West Virginia.

My Institute, the **Colorado Water Institute**, collaborates closely with the Colorado Water Conservation Board, Colorado's primary water policy agency, to conduct applied research, provide public education and train students through internships. An example of this partnership is the South Platte Basin is the most populous and water-short region of the state and recently has been struggling with optimizing the conjunctive use of surface and ground water. The Colorado legislature has commissioned CWI to conduct a comprehensive analysis of groundwater management to determine if current management is causing high water tables causing crop damage and flooded basements. In addition to analyzing data, CWI is working to bring well users and surface users into productive dialogue to find solutions to benefit both.

Another partnership with the Colorado Water Conservation Board includes providing drought support to the state, agricultural producers, and Colorado's Drought Task Force during the 2012 drought by serving as the Co-Chair of the Agriculture Drought Task Force and serving on the Colorado Governor's Water Availability Task Force. In addition to regular communication across the agencies, we provided online and printed factsheets and information resources, held local drought meetings for stakeholders, helped producers with crop insurance claims, held drought information tours for state officials, helped organize the State's 2012 drought conference, and handled stakeholder requests. The 2013 crop season is once again looking as though drought will be a problem for cities and agriculture, and we are ramping up our capacity to respond to critical information and coordination needs.

The Water Resources Research Act is what holds all of this together. The Institutes, in coordination with state extension services, specialize in identifying problems within their states, developing solutions to those problems, and engaging with the public to implement those solutions. One of the Institute program's greatest strengths is that the research funded by each Institute is tailored to that state's needs, based on priorities set by consultation with an advisory panel. The following are several examples of research conducted by institutes across the country.

The **Idaho Water Resourees Research Institute** is working with the Bureau of Reclamation to develop a more thorough understanding of the economic value that is provided to the Treasure Valley through the management of the Boise River. This research is being used to help predict how water demand and use will be affected by changes to the region's population, economy, and climate. This understanding will provide a method to assess the cost effectiveness of

investments in water management infrastructure, and aid in managing one of Idaho's most important water resources.

The **Virginia Water Resources Research Center** collaborates with the Virginia Department of Conservation and Recreation in developing a publicly-accessible Website to serve as the reference site for stormwater Best Management Practices in the Commonwealth of Virginia. The project is guided by a 25-member clearinghouse committee comprised of stakeholders from across all major watersheds in Virginia.

Since 2008 the **Georgia Water Resources Research Institute** collaborated with and supported the Georgia Department of Natural Resources to develop water development and management plans for all Georgia river basins. The GWRI's River Basin Planning Tool (RBPT) was developed specifically for this purpose and was applied to assess water supply availability and gaps across Georgia. The results have been communicated to and used by the our Governor's twelve water councils. The GWRI has provided training to state engineers and their contractors involved in these assessments. The new planning tool is being developed further as more specific assessment needs arise in the planning process.

The **Minnesota Water Resources Center** has worked with six state agencies and more than 200 water professionals to create a 25 year plan for achieving sustainable water management for Minnesota. The plan, the *Minnesota Water Sustainability Framework*, focuses on water quality and quantity, surface water and groundwater, and human and ecosystem uses of water. It identifies ten major issues, what must be done to address them, and how they should be addressed. The Water Resources Center is now working with state agencies, the private sector, and public organizations to implement the plan.

The **Maine Water Resources Research Institute** currently supports research into new techniques to increase the speed and accuracy with which water is tested for the presence of harmful substances such as pharmaceuticals and other contaminants. The Institute also has collaborated with researchers and teachers to develop educational tools about water science (SIMstream) and to conduct student-scientist research on drinking water quality in rural communities (GET WET!). This spring the Maine Institute takes the lead with the private sector, federal, and state agencies to convene the 19th annual Maine Water Conference, typically attended by several hundred people each year.

In a study of forest management and water yields, in collaboration with several non-profit agencies, **California Institute for Water Resources** researchers are undertaking a three-part, multi-year, multi-disciplinary project to research and assess issues related to climate change, vegetation manipulation and the forest water cycle in the Sierra Nevada Mountains. The Sierras harbor globally distinctive forest resources that deliver hydropower and water supply to downstream users in California and elsewhere. Observational and high resolution modeling studies of snowpack and water, utilizing data collected since 1930, paints a picture of significant decreases in snowpack and runoff in the Sierra Nevada Mountains due to increased green house gases. By the mid-21st century, considerable decreases in snow water equivalence are projected. This CIWR research will continue to run atmospheric models to predict water resources in California.

The occurrence of harmful algal blooms (HABs) and their toxin, microcystin, in surface waters has increased in Ohio, the US, and worldwide. The presence of HABs greatly impacts communities near affected waters. State and local entities are struggling to find solutions to reduce the severity and longevity of these algal blooms and to ensure safe recreational and drinking water. The **Ohio Water Resources Center** (WRC) at Ohio State University is investing in research projects to understand and develop solutions to HABs. Ohio WRC researchers are characterizing the algal blooms, developing monitoring methods, and evaluating management solutions. Current and future research efforts sponsored by the Ohio WRC will allow communities to develop methods and strategies to deal with HABs.

New York State has been impacted by several major floods in the last few years and will continue to experience high precipitation events and sea level rise in the coming decades. **New York State's Water Resources Research Institute** is funding projects to analyze the causes and spatial patterns of past floods, to identify watershed planning and infrastructure management options, and to develop information and tools for decision-makers to use to increase future flood resilience. Current projects and partnerships include assessing flood risk in a changing climate in the Mohawk and Hudson River Basins (with SUNY ESF); projecting peak flows under increasing rainfall intensities to identify undersized culverts (with county Soil and Water Conservation Districts); assessing impacts of recent storms on water and wastewater infrastructure and shoreline communities in the Hudson Valley; and promoting watershed resilience education in the Hudson River Estuary (with Cornell Cooperative Extension).

The **Kentucky Water Resources Research Institute** is conducting projects funded through the National Institute of Homeland Security in support of water utilities. One project is studying distribution system hydraulics and flow dynamics to improve water utility operational decision making. A second project is seeking to determine best practice protocols for utilities to use for response and recovery operations in case water treatment and distribution systems become contaminated. Both projects involve partnerships with faculty and research staff at several other regional universities in Kentucky and in surrounding states.

For almost five decades the Water Resources Research Institutes have provided research results and impacts to our nation, and proved successful at bringing new water professionals into the work force. **NIWR recommends the Subcommittee provide $6,490,000 to the USGS for the Water Resources Research Institute Program for FY 2014.**

The water institute directors recognize the fiscal challenges facing the Nation and Congress, but we want to support the USGS Coalition request that Congress appropriate at least the $1.167 billion requested for the USGS in FY 2014, a level that will support critical USGS programs that improve the nation's environment, health, safety, quality of life, and future economic growth.

Thank you on behalf of all the Institute directors for the opportunity to submit our statement to the Subcommittee and for your continuing support of the Water Resources Research Act program.

Choctaw Nation of Oklahoma
PO Box 1210 • Durant, Oklahoma 74702-1210 •(580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

TESTIMONY SUBMITTED BY
MICKEY PEERCY, EXECUTIVE DIRECTOR, HEALTH SERVICES
CHOCTAW NATION OF OKLAHOMA
ON THE FISCAL YEAR 2014 BUDGETS FOR THE IHS AND THE BIA
TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
April 25, 2013

On behalf of Chief Gregory E. Pyle, of the Great Choctaw Nation of Oklahoma, I submit this testimony to be included in the hearing record on the 2014 Budgets for the Indian Health Service and Bureau of Indian Affairs. Although we are submitting testimony on the FY 2014 budgets, we must comment on the FY 2013 sequestration of discretionary programs. The sequester reductions to Tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and considered the "supreme law of the land." The ongoing contribution of Tribal nations to the U.S. economy is the land on which this nation is built. In exchange for land, the U.S. agreed to protect Tribal treaty rights, lands, and resources, including provision of certain services for American Indian and Alaska Native Tribes and villages, which is known as the federal Indian trust responsibility. Indiscriminate cuts sacrifice not only the trust obligations, but it thwarts Tribes' ability to promote economic growth or plan for the future of Native children and coming generations.

The Choctaw Nation of Oklahoma is the third largest Native American Tribal government in the United States, with over 208,000 members. The Choctaw Nation territory consists of all or part of 10 counties in Southeast Oklahoma, and we are proudly one of the state's largest employers. The Nation operates numerous programs and services under Self-Governance compacts with the United States, including but not limited to: a sophisticated health system serving over 33,000 patients with a hospital in Talihina, Oklahoma, eight (8) outpatient clinics, referred specialty care and sanitation facilities construction; higher education; Johnson O'Malley program; housing improvement; child welfare and social services; law enforcement; and many others.

INDIAN HEALTH SERVICE BUDGET REQUESTS:

1. **Fully Fund Contract Support Costs (CSC) Consistent with the 2012 U.S. Supreme Court decision in the *Salazar v. Ramah Navajo Chapter* Case - $5.8 million over FY2012 Enacted.**

While we are supportive of the increase included in the President's budget, we are gravely alarmed and oppose the Administration's unilateral proposal, in its FY 2014 budget request, to

fundamentally alter the nature of Tribal self-governance by implementing individual statutory Tribal caps on the CSC payments. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA). At the very least, Congress should maintain in FY 2014 and FY 2015 the status quo statutory language enacted in FY 2013 so that Tribally-developed changes in contract support cost funding mechanisms, if any, can be included in the FY 2016 Budget. ***We respectfully request your support of the $5.8 million increase included in the President's FY2014 budget; and maintain the CSC status quo statutory language enacted in FY2013.***

2. **Mandatory Costs – Provide $403 million increase to maintain current services**

Mandatory cost increases are necessary to maintain the current level of services. These *"mandatories"* are unavoidable and include medical and general inflation, pay costs, phasing in staff for recently constructed facilities, and population growth. If these mandatory requirements are not funded, Tribes have no choice but to cut health services, which further reduces the quantity and quality of health care available to American Indian/Alaskan Native (AI/AN) people. ***We strongly urge full funding of $304 million for Mandatory costs to address these on-going fiscal responsibilities to maintain current services.***

3. **Indian Health Care Improvement Fund – Provide $10 million increase**

Funding for the Indian Health Care Improvement Fund (IHCIF) is a top Tribal budget priority. The purpose of IHCIF is to address deficiencies in health status and resources within the Indian health system and to promote greater equity in health services among Indian Tribes. The IHCIF directs funding through the Federal Disparity Index to the lowest funded operating units. The impact of the FY 2010 $45 million appropriation brought all operating units within the IHS to 45% Level Need Funded (LNF). The average Federal Disparity Index level among all IHS operating units is 55%. In December 2010, IHS estimated that it would cost $217 million to raise all IHS sites to a minimum Level of Need Funded of 55% and $394 million to reach a minimum of 65%. ***We respectfully request and urge you to provide an increase of $10 million for FY2014.***

4. **Purchased/Referred Care program formerly Contract Health Services (CHS) – Provide $171.6 million increase**

Purchased/Referred Care program funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services. These funds are critical to securing the care needed to treat injuries, heart disease, digestive diseases and cancer, which among the leading causes of death for American Indians/Alaska Natives. ***We strongly urge an increase of $171.6 million be provided for these Purchased/Referred Care services in FY2014.***

5. **Alcohol & Substance Abuse Prevention (ASA) Services – Provide $9.4 million increase.**

ASAP exists as part of an integrated behavioral health program to reduce the incidence of alcohol and substance abuse in American Indian and Alaska Native communities and to address the special needs of Native people dually-diagnosed with both mental illness and drug dependency. The ASAP program provides prevention, education, and treatment services at both the clinic and community levels. Services are provided in both rural and urban settings, with a focus on holistic and culturally-based approaches. Youth Regional Treatment Center operations are also funded by this line item. ***We respectfully request and urge you to provide an increase of $9.4 million for FY2014.***

6. **Funding for Implementation of the Indian Health Care Improvement Act (IHCIA)**

Implementation of the IHCIA remains a top priority for Indian Country. IHCIA provides the authority for Indian health care, but does NOT provide any funds to IHS. The American health care delivery system has been revolutionized while the Indian health care system waited for the reauthorization of the IHCIA. Resources are needed to implement all provisions of the IHCIA. ***Adequate funding for the implementation of these provisions is needed.***

7. **Office of Tribal Self-Governance - Increase $5 million to the IHS Office of Tribal Self-Governance**

In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2013, there are 337 Self-Governance (SG) Tribes managing approximately $1.4 billion in funding. This represents almost 60% of all federally-recognized Tribes and 33% of the overall IHS funding. The Self-Governance process serves as a model program for federal government outsourcing, which builds Tribal infrastructure and provides quality services to Indian people. ***We respectfully request an increase of $5 million for the OTSG.***

8. **Special Diabetes Program for Indians – Support 5 Year Reauthorization at $200 million/Year**

The Special Diabetes Program for Indians (SPDI) was authorized in 1997 in response to an alarming and disproportionate high rate of type 2 diabetes in American Indians and Alaska Natives. SDPI funding has been at $150 million since it was reauthorized in 2004. During this time nearly 400 Indian Health Service, Tribal and Urban (I/T/U) Indian health programs have assisted in developing innovative and culturally appropriate strategies, vital resources and tools to prevent and treat diabetes. Congressional funding remains the critical factor in the battle against diabetes and we request that you urge your colleagues on the Labor, Health and Human Services and Education Appropriations Subcommittee to increase funding for the SDPI program, which is administered by the Indian Health Service.

BUREAU OF INDIAN AFFAIRS BUDGET REQUESTS:

We greatly appreciate the work of this Subcommittee to provide the support for Tribal programs. However, we must mention that comparing budget increases for the six largest

agencies in the Department of the Interior (DOI) between FY2004 enacted to the FY2014 Presidents' Request shows that the Bureau of Indian Affairs (BIA) has received the smallest percentage increase.

1. **Fully Fund Contract Support Costs (CSC) Consistent with the 2012 U.S. Supreme Court decision in the *Salazar v. Ramah Navajo Chapter* Case - $9.8 million increase over FY2012 Enacted.**

While we are supportive of the increase included in the President's budget, we are gravely alarmed and oppose the Administration's unilateral proposal, in its FY 2014 budget request, to fundamentally alter the nature of Tribal Self-Governance by implementing individual statutory Tribal caps on the CSC payments. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA). ***We respectfully request your support of the $9.8 million increase included in the President's FY2014 budget; and maintain the CSC status quo statutory language enacted in FY2013.***

2. **Fully Fund Fixed Costs/Pay Costs – Provide $8 million increase**

Most federal agencies receive annual increases to their Fixed Costs rates each year to address inflationary costs associated with Fringe Benefits and Pay Costs. Historically, Tribes have been disadvantaged because they have never received Fringe Benefit Fixed Cost adjustments. At an estimated total Tribal salary level of $380,624,156 in FY 2013, a nominal Pay cost rate of 2.0% would require $7.6 million dollars. The current U.S. inflationary rate is 3.5%, and the cost-of-living-allowance (COLA) level was calculated to be 3.6% in FY 2012. ***In FY 2014, the Tribal Pay Cost need is estimated at approximately $8 million to achieve parity with the general U.S. cost predictions.***

3. **Tribal Priority Allocations – Provide $89 million increase (10% over FY2012 Enacted)**

TPA remains one of the most important funding areas for Tribal governments because it covers such needs as economic development, general assistance, and natural resource management. However, for two decades, inadequate funding for Tribal priority allocations has hindered Tribes from fully exercising their right of Self-Governance. Severe underfunding has contributed to an array of social injustices in Tribal communities. ***We strongly encourage appropriate funding to fully cover these obligations in the FY2014 budget.***

4. **Law Enforcement - Fully fund all of the provisions of the Tribal Law & Order Act of 2010 Support the $19 million increase in funding in the FY2014 President's budget for BIA Public Safety and Justice**

5. **Office of Self-Governance (OSG) – Provide increase funding to the OSG** to fully staff the office for the increase in the number of Tribes entering Self-Governance.

In closing, on behalf of the Choctaw Nation of Oklahoma and Chief Gregory E. Pyle, thank you.

Sac and Fox Nation
920883 S. Hwy. 99 Bldg. A • Stroud, OK 74079

Principal Chief GEORGE THURMAN
Second Chief ORVENA (TWIGGY) GREGORY
Secretary JACKLYN K. WILLIAMS
Treasurer CARLA REED
Committee Member STELLA NULLAKE

TESTIMONY OF GEORGE L. THURMAN
PRINCIPAL CHIEF OF THE SAC AND FOX NATION
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FY 2014 BIA AND IHS BUDGETS

April 25, 2013

Chairman Simpson and distinguished Members of the Committee, my name is George L. Thurman, and I am the Principal Chief of the Sac and Fox Nation. I thank you for the opportunity to present the Sac and Fox Nation's testimony before this esteemed Committee. We appreciate your dedication to righting the wrongs our people suffered in the past and suffer in the present. We understand the fiscal constraints of the Country and together we can provide a future that has many opportunities for self-sufficiency through Self-Governance.

First and foremost we ask that all Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) line items should be exempt from any budget recessions and discretionary funding budget reductions. Further, Tribes are extremely concerned about the consequences of sequestration. The sequester reductions to Tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and considered the "supreme law of the land." ***We strongly urge for the sequester to be replaced since it threatens the trust responsibility and reduces portions of the budget that are not major contributors to the deficit.***

Sac and Fox Nation Tribal Specific Budget Request:

- **Add $ 4.8 million to the Bureau of Indian Affairs, Public Safety and Justice, Detentions and Corrections to Fully Fund the Sac & Fox Nation Juvenile Detention Center**

National Tribal Program Budget Requests:
Bureau of Indian Affairs

1. **Fully Fund Contract Support Costs (CSC) Consistent with the 2012 U.S. Supreme Court decision in the Salazar v. Ramah Navajo Chapter Case - $9.8 million increase over FY2012 Enacted.**
2. **Fully Fund Fixed Costs/Pay Costs – Provide $8 million increase. In FY 2014, the Tribal Pay Cost need is estimated at approximately $8 million to achieve parity with the general U.S. cost predictions.**

Administration (918) 968-3526 Fax (918) 968-4837 ▫ Office of Government (918) 968-1141 Fax (918) 968-1142

3. **Tribal Priority Allocations – Provide $89 million increase (10% over FY2012 Enacted)**
4. **Law Enforcement**
    a. **Fully fund all of the provisions of the Tribal Law & Order Act of 2010** that authorize additional funding for law and order programs that affect Indian Tribes, for FY2014 and beyond; and
    b. **Support the $19 million increase in funding in the FY2014 President's budget for BIA Public Safety and Justice**, including an increase in funds for officer recruitment and training; and for Tribal detention facilities operations and maintenance.
5. **Office of Self-Governance (OSG) – Provide increase funding to the OSG** to fully staff the office for the increase in the number of Tribes entering Self-Governance.

Sac and Fox Nation Tribal Specific Budget Requests - $4.8 Million for Juvenile Detention Center

The passage of the Tribal Law and Order Act was applauded by the Sac & Fox Nation because we saw this as the opportunity for the federal government to finally fulfill the commitment to the Nation and fully fund our Juvenile Detention Center (JDC). In 1994, the Sac and Fox Nation Juvenile Detention Center (JDC) opened its doors after years of planning and construction made possible by funding from the Department of Interior, Bureau of Indian Affairs. The JDC is the first juvenile facility designed for American Indians/Alaska Natives as well as the first juvenile facility developed under P.L. 100-472, the Self-Governance Demonstration Project. The JDC is a full service, 24 hour juvenile detention facility that provides basic detention services to all residents to insure their health, safety and welfare and provides programs tailored to meet the specific needs of our clients. These programs include behavioral management, substance abuse, spiritual, cultural, self-esteem, arts and crafts, health and fitness, horticulture, nutrition, life skills, counseling and educational programs. The 39 Tribes included in the Southern Plains Region will support the JDC but due to underfunding and staffing shortages, the JDC cannot accommodate the detention needs of the regional Tribes.

In FY 2013 appropriations testimony provided by Assistant Secretary Larry Echo Hawk, he requested $6.5 million for Detention/Correction and an additional 18 *FTEs.* Assistant Secretary Kevin Washburn recently announced in an April 10th conference call that 7 facilities were near completion and expected to be operational in late 2013 or early 2014. We take great exception to the this request inasmuch as the Department of the Interior/Bureau of Indian Affairs has never provided the full funding that was committed for the appropriation, planning and construction process of the JDC.

The Sac and Fox Nation has had to utilize funds to operate the JDC that should have been used for other social service needs. Full funding for the JDC was

authorized but instead federal officials used these resources for other purposes. The Sac and Fox Nation is committed to working with the BIA to insure that the financial commitment is fulfilled. With the promise of full funding realized, Tribes utilizing the JDC be able to provide the cultural and traditional healing our children are in need to live healthy and productive lives. The Sac and Fox Nation is requesting that this Committee provides the funding for the JDC and include language that will mandate the BIA to utilize these funds as intended by Congress in the appropriations and for no other purpose.

The Sac and Fox Nation

The Sac and Fox Nation is headquartered in Stroud, Oklahoma, and our Tribal jurisdictional area covers Lincoln, Payne, and Pottawatomie Counties. Of the 4,000 enrolled Tribal members, 2,600 live in Oklahoma. We are proud pay tribute to a Sac and Fox descendent and Great Native American, Jim Thorpe. One of the most revered Olympic athletes who have ever represented the United States; Mr. Thorpe won the pentathlon and decathlon in the 1912 Olympics.

The Sac & Fox Nation of Oklahoma's jurisdiction covers 487,040 acres across three counties in Oklahoma: Payne, Lincoln and Pottawatomie Counties. The U.S. Census Bureau's Statistics indicate that 17.6% of Pottawatomie County Residents live below the Poverty Level, 14.8% in Lincoln County and 23.2% in Payne County.

As reported by the US Bureau of Labor Statistics the National Unemployment Rate for February 2013 is 7.6% and the Oklahoma unemployment rate is 5.0%. In Pottawatomie County the Unemployment rate is 4.9%, Lincoln County 5.3% and Payne County 4.5%.

Taking all the statistics into account, one derives the conclusion that what we have is a population of working poor. The insufficient wages for the working poor make it impossible for them to provide basic necessities and result in people having to make choices between food on the table or having a place to live. Largely because they are earning such low wages, the working poor face numerous obstacles that make it difficult for many of them to find and keep a job, save up money, and maintain a sense of self-worth.

In 2012 the Sac and Fox Nation experienced a 74% increase in the request for hardship assistance from the previous year. For 2013 we are at 97% of hardship requests from our 2012 numbers, and there are five months remaining in the program year.

Funding cuts to the Human Services which encompass Social Services, Welfare Assistance, and Child Welfare Services would have dire effects on the Sac & Fox Nation tribal members and those American Indian/Alaska Native families that reside within our service area who come from our neediest families. The Sac & Fox Nation can't absorb any more cuts for the sake of reducing the federal deficit. Funding

reduction in these programs would increase critically high rates of poverty and hardship. It is our duty to protect our children and the most vulnerable from bearing a disproportionate burden for deficit reduction.

Sequestration

Although we are submitting testimony on FY 2014, we must comment on the FY 2013 sequestration of discretionary programs. The Tribal leaders of the Tribal Interior Budget Council (TIBC) and the National Congress of American Indians (NCAI) passed unanimous resolutions that trust and treaty obligations to tribes should not be subject to sequestration. The sequester reductions to Tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and considered the "supreme law of the land." The ongoing contribution of Tribal nations to the US economy is the land on which this nation is built. In exchange for land, the United States agreed to protect Tribal treaty rights, lands, and resources, including provision of certain services for American Indian and Alaska Native tribes and villages, which is known as the federal Indian trust responsibility. Indiscriminate cuts sacrifice not only the trust obligations, but it thwarts tribes' ability to promote economic growth or plan for the future of Native children and coming generations.

The 2013 sequester and expected reductions due to the Budget Control Act caps will hurt law enforcement, education, health care and other Tribal services, which have been historically underfunded and have failed to meet the needs of Tribal citizens. ***We strongly urge for the sequester to be replaced since it threatens the trust responsibility and reduces portions of the budget that are not major contributors to the deficit.***

Thank you for including this testimony into the FY 2014 Budget hearings record.

April 25, 2013

The Honorable Mike Simpson
United States House of Representatives
House Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515

Dear Chairman Simpson and Members of the Subcommittee:

As the President of the Idaho Aquaculture Association (IAA) representing our member fish farmers and processors I am writing to express my concern regarding the proposed $400,000/3 FTE reduction in support for the U.S. Fish and Wildlife Service (USFWS) Aquatic Animal Drug Approval Partnership (AADAP) program as described in the FY 2014 President's Budget.

Making a living raising healthy and safe trout, tilapia, catfish and other species is a challenge. Our state is uniquely gifted with the abundant natural resources to do this better than anywhere else. Our state's fish farmers are some of the best in the world. Even so, keeping our fish healthy is a constant battle. Without the availability of effective and safe drugs, it is a battle we would not win. The AADAP and its programs have been vital to the existence of our industry. The aquaculture industry is an important part of the identity and economy of our state, but it is not a "big fish" in the eyes of drug companies to warrant the research and resources to develop and bring to market new drugs. The AADAP has stood in the gap and its efforts have made several new drugs available to fish farmers.

I understand the need to reduce our bloated federal budget and I applaud your efforts to do this. I also know that you oppose unfunded federal mandates. In the early 1990's the FDA began acting on their responsibility to ensure that only FDA-approved drugs were used to treat fish. Although most of the drugs used by fisheries professionals prior to 1990 had been used safely and effectively for decades, the vast majority of these drugs were not FDA-approved and fish farmers could no longer legally use them. The AADAP's INAD program allows us to use these drugs and generate data to aid in the FDA approval process. We share the FDA's goal of insuring the safety and effectiveness of the treatments we use to keep our fish healthy, but like most government processes, it is slow and expensive. It only makes sense to me that the government should help us out.

I hope you share our concerns. Please join us in supporting the good work of the AADAP program by keeping the funding at current levels. Thank you for your consideration.

Mark Daily
President, Idaho Aquaculture Association
2944S 1175E
Hagerman, ID 83332

April 16, 2013

The Honorable Mike Simpson
United States House of Representatives
House Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20S15

Dear Chairman Simpson and Members of the Subcommittee:

As an educator, scientist, fisheries professional, and staunch supporter of effective natural sources management, I am writing to express my concern regarding the proposed $400,000/3 FTE reduction in support for the U.S. Fish and Wildlife Service (USFWS) Aquatic Animal Drug Approval Partnership (AADAP) program as described in the FY 2014 President's Budget. Given the importance of this program and its deliverables to the fisheries and aquaculture disciplines—particularly to the mission of the USFWS itself—**I strongly encourage you to reconsider the ramifications of this reduction, and fully support the AADAP program with $1,790,000 in base funding and current FTEs.** This figure represents the amount previously dedicated to the drug approval process in the Department of the Interior budget (2010 funding levels for AADAP and the U.S. Geological Survey [USGS budget since eliminated entirely]), adjusted to FY 2014 dollars. Without this level of support, these unduplicated and essential activities cannot be completed in a reasonable time frame, and fisheries professionals, especially the USFWS, will be unable to effectively deliver on their responsibilities to the American public.

Most fisheries activities require the use of drugs: whether to maintain health and fitness of hatchery fish or facilitate field-based research and management activities including imperiled species recovery, as described in a recent AFS Policy Statement[1], the absence of suitable drugs, "jeopardizes fishes, fisheries, fish culture, research, and poses considerable risk to those involved in these activities." Fish drugs include commonplace chemicals such as hydrogen peroxide, but it is illegal to use such products unless they have passed the rigorous Food and Drug Administration (FDA) animal drug approval process. **USFWS leadership is critical in this area because the Service itself is a major end-user of aquatic animal drugs, the need for safe and effective drugs is nationwide, and without public-sector assistance economic incentives are insufficient to encourage drug sponsors to pursue aquatic animal drug approvals in the United States.**

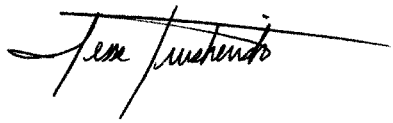
Recognizing difficult budgetary decisions must be made, I contend that the proposed cuts to the AADAP program offer only modest savings and would eliminate vital elements of a program that serves the USFWS, its partners, and fisheries and aquatic resources in essential and unduplicated ways. Without access to safe and effective drugs, it is unclear to me how fisheries

[1] AFS Policy Statement on the Need for Immediate-release Sedatives in the Fisheries Disciplines. Available at: http://fisheries.org/docs/policy_statements/policy_34f.pdf.

professionals, especially USFWS staff, will be able to fulfill their mandates (e.g., rearing and stocking fish, collecting field data) without misusing the few approved drugs currently available (e.g., overusing an existing antibiotic because no other alternatives exist, risking the development of antibiotic-resistant bacteria) or resorting to the use of unapproved products (e.g., using innocuous but currently unapproved products, risking significant legal liability and FDA action). The proposed cuts would effectively terminate the AADAP research program, and with it, the drug approval process in the U.S. This is not grand-standing, it is reality: **without AADAP, the drug approval process stops, and without approved drugs, fisheries professionals and fisheries themselves are put in jeopardy.**

I encourage you to fully support the AADAP program at a funding level of $1,790,000, maintain/fill its existing FTEs, and ensure the current and future needs of fisheries and fisheries professionals continue to be met. Thank you for your consideration of my position on this issue.

Sincerely and respectfully,



Jesse Trushenski, PhD

Assistant Professor, Southern Illinois University Carbondale
Chair, American Fisheries Society Fish Culture Section Working Group on Aquaculture Drugs, Chemicals, and Biologics
Chair, American Fisheries Society, Resource Policy Committee

Cc: Ken Calvert, Tom Cole, Tom Graves, Jaime Herrera Beutler, David Joyce, David Valadao, Jim Moran, Betty McCollum, Chellie Pingree, José Serrano

Ray D. Brunson
3147 60th Loop SE
Olympia, WA 98501-5376
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April 23, 2013

The Honorable Mike Simpson
United States House of Representatives
House Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515

Dear Chairman Simpson and Members of the Subcommittee:

As a retired fisheries professional from the U.S. Fish and Wildlife Service, and staunch supporter of effective natural sources management, I am writing to express my concern regarding the proposed $400,000/3 FTE reduction to the U.S. Fish and Wildlife Service (USFWS) Aquatic Animal Drug Approval Partnership (AADAP) program as described in the FY 2014 President's Budget. Given the importance of this program and its deliverables to the fisheries and aquaculture disciplines—particularly to the mission of the USFWS itself—**I strongly encourage you to reconsider the ramifications of this reduction, and fully support the AADAP program with $1,790,000 in base funding and current FTEs.** Without this level of support, these unduplicated and essential activities cannot be completed in a reasonable time frame, and fisheries professionals, especially the USFWS, will be unable to effectively deliver on their responsibilities to the American public.

I have devoted nearly 40 years as a professional practicing as a fish health specialist and delivering aquatic animal health services to hatcheries, and fisheries professionals within the USFWS, treaty Tribes and other professionals. When I began my career, the aquatic animal drug approval process was in a state of complete disarray. Upon the inception and implementation of the Aquatic Animal Drug Approval Partnership by the USFWS, the entire process and interaction with partners have been one of the most effective and successful programs that I have witnessed. I am now retired, but still active in the profession as a member of the American Fisheries Society and the Fish Health Section of that Society. I no longer have to stay silent about important federal programs that I know have a positive impact for the American public. As a former fish health official, I relied heavily on the ADAAP to provide safe and legal use of new and emerging drugs to help me help the hatcheries and the fish produce by them for the fishing and general public.

Most fisheries activities require the use of safe and effective drugs: whether to maintain health and fitness of hatchery fish or facilitate field-based research and management activities including imperiled species recovery. Fish drugs include commonplace chemicals such as hydrogen peroxide, but it is illegal to use such products unless they have passed the rigorous Food and Drug Administration (FDA) animal drug approval process. **USFWS leadership is critical in this area because the Service itself is a major end-user of aquatic animal drugs, the need for safe and effective drugs is nationwide, and without public-sector assistance economic incentives are insufficient to encourage drug sponsors to pursue aquatic animal drug approvals in the United States.**

I believe that the proposed cuts to the AADAP program would eliminate vital elements of a program that serves not just the USFWS, but many partners including most States and Tribes engaged in fisheries activities. Without access to safe and effective drugs, it is unclear to me how fisheries professionals across the nation, including the USFWS, will be able to fulfill their mandates (e.g., rearing and stocking fish, collecting field data) without overusing the few approved drugs currently available, risking the development of antibiotic-resistant bacteria or resorting to the use of unapproved products which would risk significant legal liability and FDA action. The proposed cuts would effectively terminate the AADAP research program, and with it, the drug approval process in the U.S. **Without AADAP, the drug approval process for fish and other aquatic species would stop, and without approved drugs, fisheries professionals and fisheries themselves are put in jeopardy.**

I encourage you to fully support the AADAP program at a funding level of $1,790,000 and ensure the current and future needs of fisheries and fisheries professionals continue to be met. Thank you for your consideration of my testimony on this issue.

Sincerely and respectfully,

Ray D. Brunson
Retired, USFWS, Fish Pathologist (1972 – 2011)

April 25, 2013

RE: House Appropriations Subcommittee on Interior, Environment, and Related Agencies (http://appropriations.house.gov/issues/issue/?IssueID=34778)

Dear Chairman Simpson and Members of the Subcommittee:

As a Fish Health Professional and President of the American Fisheries Society/Fish Health Section, I am writing to express my concern regarding the proposed $400,000/3 FTE reduction in support for the U.S. Fish and Wildlife Service (USFWS) Aquatic Animal Drug Approval Partnership (AADAP) program as described in the FY 2014 President's Budget. This program is critically important to our Nation's Commercial Fisheries, Sport Fisheries and Aquaculture industries. These industries have a combined impact of over $175 Billion/year. Most fisheries activities require the use of drugs at critical points. Fish drugs include commonplace chemicals such as hydrogen peroxide, but it is illegal to use such products unless they have passed the rigorous Food and Drug Administration (FDA) animal drug approval process. This process requires public sector assistance because the process is too expensive and the profits are too low for drug manufactures to consider doing so on their own. The approval of more effective drugs is needed for reliable efficient production of fish both for private aquaculture and stock enhancement operations. In fact, commercial aquaculture is currently a fragile industry because of completion for foreign imports and excessively high grain prices. Support of the AADAP would help the long term sustainability of Aquaculture in the US.

While I realize difficult monetary decisions must be made, the proposed cuts to the AADAP program offer only modest savings and would eliminate vital elements of a program that serves the USFWS, its partners, and fisheries and aquatic resources. The proposed cuts would effectively terminate the AADAP research program, and with it, the drug approval process in the US.

I encourage you to fully support the AADAP program at a funding level of $1,790,000 and ensure the needs of fisheries and aquaculture are met. Thank you for your consideration of my position on this issue.

Respectfully,

Larry Hanson, Ph.D.
Professor, College of Veterinary Medicine, Mississippi State University
President of the American Fisheries Society- Fish Health Section

Cc: Ken Calvert, Tom Cole, Tom Graves, Jaime Herrera Beutler, David Joyce, David Valadao, Jim Moran, Betty McCollum, Chellie Pingree, José Serrano

Testimony in Support of FY 2014 Funding for the United States Geological Survey, United States Forest Service, and Environmental Protection Agency

April 25, 2013

Submitted by:
Julie Palakovich Carr
Senior Public Policy Associate
and
Richard O'Grady, Ph.D.
Executive Director

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Submitted to:
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the United States Geological Survey (USGS), United States Forest Service (USFS), and Environmental Protection Agency (EPA) for fiscal year (FY) 2014. AIBS encourages Congress to provide the USGS with at least $1.167 billion in FY 2014, with at least $180.8 million for the Ecosystems activity. We further request that Congress provide the USFS Forest and Rangeland Research program with at least $310.2 million, and EPA's Office of Research and Development with at least $600 million.

The AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to and use information that will guide them in making informed decisions about matters that require biological knowledge. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, AIBS has nearly 160 member organizations and is headquartered in Reston, Virginia, with a Public Policy Office in Washington, DC.

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 reducing economic losses from natural disasters, allowing more effective management of water and natural resources, and providing essential geospatial information that is needed for

commercial activity and natural resource management. The data collected by the USGS are not available from other sources and our nation cannot afford to sacrifice this information.

The Ecosystems activity within USGS underpins the agency's other science mission areas by providing information needed for understanding the impacts of water use, energy exploration and production, and natural hazards on natural systems. The USGS conducts research on and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. Biological science programs within the USGS gather long-term data not available from other sources. The knowledge generated by USGS programs is used by federal and state natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Other 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 fuel reduction projects.
- Identification of white-nose syndrome, a fungus that is devastating U.S. bat populations and could jeopardize the multi-billion dollar pest control services provided by bats.
- Identification and evaluation of control measures for Asian carp, sea lamprey, Burmese pythons, and other invasive species that cause billions of dollars in economic losses.
- Study of the impacts of solar energy and other next generation energy sources on wildlife and endangered species.

The requested FY 2014 budget would support several important ecosystem science priorities at USGS. The budget would implement a recommendation by the President's Council of Advisors on Science and Technology to integrate information on the condition of U.S. ecosystems. The budget request would also enable the USGS to develop methodologies to better prevent, detect, and control Asian carp and other invasive species. USGS would be able to provide enhanced surveillance and diagnostic tools, and develop management tools for white-nose syndrome and other ecologically and economically costly wildlife diseases. Additionally, USGS would be able to study and better inform decisions about new energy sources.

The request also includes additional funding for water quality research, including in the areas of fisheries and contaminant biology. The budget would support development of a new system for access and use of water budget information. A central part of this new initiative is streamflow information collected by USGS' national network of streamgages.

Through the Cooperative Research Units, the USGS and their partners address pressing issues facing natural resource managers at the local, state, and federal levels. Examples of recent research initiatives include studying the effects of the Gulf of Mexico oil spill on wildlife and fisheries, and improving management of elk and waterfowl. In addition to providing research expertise, these partnerships at 40 universities in 38 states serve as important training centers for America's next generation of scientists and resource managers. More than 500 graduate students each year receive training at Cooperative Research Units. The program is also an efficient use of resources: each federal dollar invested in the program is leveraged more than three-fold. A modest increase is proposed for FY 2014.

Although the proposed budget supports many USGS priorities, the requested funding level would result in $6.6 million in cuts to programs that support agency core missions. The agency proposed these reductions to offset increases in fixed costs and to attain greater cost efficiencies.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the nation's biological and environmental challenges, including water quality and use, energy independence, and conservation of biological diversity. 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 is also cost-effective, as the agency's activities help to identify the most effective management actions. In short, increased investments in these important research activities will yield dividends.

U.S. Forest Service

United States Forest Service research provides scientific information and new technologies to support sustainable management of the nation's forests and rangelands. These products and services increase the basic biological and physical knowledge of the composition, structure, and function of forest, rangeland, and aquatic ecosystems.

The FY 2014 budget request would support key areas of scientific research, the outcomes of which will inform sustainable management of the nation's forests and rangelands. USFS' research on wildland fire and fuels evaluates the effectiveness of hazardous fuels treatments and helps managers as they protect life and property and restore fire-adapted ecosystems. Research would also continue on priority invasive species, such as emerald ash borer and hemlock wooly adelgid, which have caused extensive damage to forests and local economies.

Environmental Protection Agency

The Office of Research and Development (ORD) supports valuable extramural and intramural research that is used to identify and mitigate environmental problems facing our nation. ORD research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. In short, ORD provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Despite the important role played by ORD, its funding has declined by 28.5 percent in Gross Domestic Product-indexed dollars since FY 2004, when it peaked at $646.5 million. "This long-term decline has limited and will continue to limit the research that can be conducted to support the agency's effort to protect human health and the environment," according to the EPA's Science Advisory Board. "These limitations pose a vulnerability for EPA at a time when the agency faces significant science questions with long-term implications for protecting the environment and public health."

At $554.1 million, the budget request for FY 2014 falls far short of addressing past and current shortfalls. We ask that Congress restore funding for ORD to at least the FY 2010 enacted level.

The Ecosystem Services Research program within ORD is responsible for enhancing, protecting, and restoring ecosystem services, such as clean air and water, rich soil for crop production, pollination, and flood control. The program has been long underfunded, according to the EPA Science Advisory Board, with a 58 percent budget decline over the last decade. We ask that Congress address the chronic underfunding of the program.

The Science to Achieve Results (STAR) program supports valuable research on human health and the environment through competitively awarded research grants. The program enables EPA to fill information gaps that are not addressed by intramural EPA research programs or by other federal agencies.

Two valuable training opportunities for the next generation of scientists will be removed from EPA as part of a proposed government-wide consolidation of science, technology, engineering, and mathematics education programs. Funding would be zeroed out for EPA STAR graduate fellowships and Greater Research Opportunities undergraduate fellowships. The Science Advisory Board "considers it a priority to increase STAR fellowships, if possible, because support for environmental scientists at an early stage in their careers is a cost-effective way to advance ORD's strategic goals." The National Academy of Sciences called the fellowship "a valuable mechanism for enabling a continuing supply of graduate students in environmental sciences and engineering." We are concerned that the consolidation of these programs at the National Science Foundation will be detrimental to preparation of the next generation of environmental scientists and engineers. We ask for the program to remain at EPA and to be supported at an adequate funding level.

ORD's Safe and Sustainable Water Resources program supports research that underpins safe drinking water for society. The program's research also focuses on better understanding resiliency of watersheds to stressors and factors that affect watershed restoration. The budget request would allow the program to pursue research that will inform decisions about water safety and to ensure the sustainability of our wetlands.

In conclusion, we urge Congress to restore funding for the ORD to the FY 2010 enacted level. These appropriation levels would allow ORD to address a backlog of research needs.

Thank you for your thoughtful consideration of this request.

STATEMENT OF PATRICK BILBO
VICE PRESIDENT, REGULATORY AFFAIRS AND GOVERNMENT RELATIONS
ORGANOGENESIS, INC.

HEARING ON THE INDIAN HEALTH SERVICE FY14 BUDGET

SUBCOMMITTEE ON INTERIOR AND ENVIRONMENT
HOUSE APPROPRIATIONS COMMITTEE
APRIL 24/25, 2013

Chairman Simpson, Ranking Minority Member Moran, and Members of the Subcommittee – I appreciate the opportunity to submit this testimony on behalf of our company, Organogenesis, Inc., for your consideration as you review the Indian Health Service (IHS) budget for Fiscal Year 2014.

My testimony focuses specifically on what we perceive as the failure of the IHS to utilize advanced wound therapies sufficiently for severe complications of diabetes. As noted below, there are significant IHS budgetary implications and quality of life implications, as recognized by several Members of Congress who have worked with Organogenesis on this issue, including Subcommittee member Rep. Tom Cole. This is pertinent to the Appropriations Subcommittee's annual budget process for IHS because the cost of advanced wound therapies is offset by the associated reduction of ongoing wound treatments and in the number of amputations arising from these types of wounds. Though we are aware of sporadic use in certain parts of the nation, it is doubtful, however, that IHS is sufficiently utilizing such advanced therapies in its medical facilities – even though its own best practices manual recommends such use of these breakthrough advanced wound therapies. Your Subcommittee should study this issue in detail and determine whether IHS has sufficient funding to utilize such treatments and thus improve the quality of life of hundreds of thousands of American Indians and Alaska Natives suffering from severe diabetic complications.

Please note that while my testimony focuses on the experience of our company, I am attempting to address a class of therapies, rather than make my submission seem like an advertisement for a specific product made by Organogenesis. The policy issues are broader than any one manufacturer – regardless of who sells to IHS, the agency and the self-governing tribes need to address more effectively the needs of American Indians and Alaska Natives with profound diabetic complications.

Background on Apligraf

Organogenesis is located in Canton, MA and is a pioneering regenerative medicine company specializing in bioactive wound healing and oral soft-tissue regeneration. Organogenesis manufactures Apligraf, a bioengineered living cell-based product approved by the FDA for the treatment of debilitating chronic skin wounds, and is one of several products in a category of advanced wound treatments that can be used when conventional wound dressings do not close a wound. Apligraf has been used for more than 14 years, with over 500,000 units shipped for patient application. The product is reimbursed by over 350 private insurers, Medicare, and most

state Medicaid programs. Apligraf, in conjunction with conventional therapy, achieves more frequent and faster complete wound closure compared with conventional therapy alone.

The Scope of the Problem

- 15% of the American Indian/Alaska Native population over 18 has diabetes, compared to 7.1% of the total population.
- Diabetes is the 4th leading cause of death in the American Indian/Alaska Native population, while only the 7th leading cause of death for the general population.
- In 2008, 9.6% of American Indians/Alaska Natives on Medicare suffered from diabetic foot ulcers. 3.8% of American Indians/Alaska Natives on Medicare had lower extremity amputations resulting from diabetic foot ulcers

The Problem With The Current IHS Approach

The Budget materials submitted by IHS note the devastation of diabetes on the American Indian/Alaska Native population and the fact that the frequency of diabetes in this population is around double the national average. However, Organogenesis believes that IHS clinicians and self-governing tribes severely underutilize advanced wound therapies for diabetic foot ulcers and venous leg ulcers, which routinely cost limbs and lives. Although an IHS Diabetes Foot Care Best Practices Manual[1] recommends possible use of bioengineered skin substitutes, in our experience many IHS clinicians are insufficiently aware of these products or their ability to procure them through normal federal acquisition channels. There is a failure within IHS and in its interactions with the self-governing tribes to make sure that something so readily available to diabetic patients in other contexts would be provided to American Indians and Alaska Natives.

We have been discussing this issue with some IHS staff in Albuquerque, the National Indian Health Board, representatives of tribes, and policymakers and have shared with them clinical data generated over the years. We believe that more widespread use of advanced wound therapy, including Apligraf and comparable products, will ultimately preserve quality of life for American Indians and Alaska Natives contending with diabetes and will reduce overall health care costs dramatically by reducing office visits for continued treatment of open wounds and by reducing further the number of costly amputations that commonly result from such wounds. Unfortunately, we have not seen evidence that IHS has acted to modify its historic approach and to increase utilization of these treatments.

Accordingly, we believe that there is a need for Congress to provide more oversight and resources to IHS to ensure that American Indians and Alaska Natives have access to these cost-effective and beneficial therapies. We have recently, at our company's expense, tried to launch pilot projects with IHS clinicians and self-governing tribes' health care facilities, but it has been slow going and calls out for leadership from the top of IHS and for Congress to examine whether more resources are warranted for this specific purpose. I would note that even the veterans'

[1] "Indian Health Diabetes Best Practice: Foot Care," Revised April 2011, Indian Health Service Division of Diabetes Treatment and Prevention, page 23.

health care system does a better job of utilizing these types of therapies for veterans with severe diabetic foot ulcers and venous leg ulcers.

Recommendations

Whether via bill language, report language, or a new budget line item, your Subcommittee has the ability to make a significant difference in this aspect of medical care. And, since the therapies are ultimately cost-effective through reductions in amputations and other care, we thought it is important to flag this issue for the Subcommittee as it contends with unprecedented budget constraints.

In our view, the Subcommittee needs to address the fact that there is limited American Indian and Alaska Native patient access to Apligraf and comparable products because the clinicians who serve them often do not know about bioengineered skin, do not know how to purchase it (if they are aware of such products), and do not fully understand reimbursement policies. Further, clinicians for American Indians and Alaska Natives often do not know that the most recent IHS Best Practices guidance document includes the option of using bioengineered skin products for severe diabetic ulcers. And, there is no readily identifiable funding line item for bioengineered skin comparable to the VA Prosthetics and Sensory Aids budget. Through the FY14 appropriations bill and committee report, as well as through ongoing oversight and interaction with IHS, you can save lives and limbs.

We hope to be able to work with your Subcommittee as you consider this issue in the coming months. Thank you for the chance to share our thoughts with you as part of this process.

SOUTHERN INDIAN HEALTH COUNCIL, INC.
Campo Clinic
36350 Church Road • Campo, CA 91906
(619) 478-2225 • FAX (619) 478-2288

April 24, 2013

Via Email Only
House Appropriations Subcommittee
H-307, The Capitol
Washington, DC 20515
Email: INApprop.Detailee@mail.house.gov

Re: House Appropriations Subcommittee April 25 hearings regarding tribal testimony on the Administration's proposed 2014 Budget.

Dear Subcommittee Members:

The Southern Indian Health Council (SHIC) is a consortium of seven tribal governments of the Kumeyaay Nation organized with funding through the Indian Self Determination and Education Assistance Act (Public Law 93 - 638) and as a 501(c)(3) public benefit organization for the purpose of providing, promoting, and coordinating the health care needs of American Indians and Non-American Indian people in its program service area—southeast San Diego County in Southern California. The Council is heavily reliant on federal funding to provide programs that support the health care needs of our American Indian communities.

The Council read with great concern for the health and well-being of our Tribal communities that the Administration's Budget proposals calls for the elimination of all contract support cost claims in FY 2014. This unwarranted act seeks to effectively amend the Indian Self-Determination Act to wipe out the damages remedy which Congress provided for in Section 110, allowing Congress to make false promises of funding to Native American entities without concerns of repercussions if promises are sought to be enforced.

In making this radical change in the Act providing much of the federal funding to Indian Country, the Administration never consulted with Tribes. Amendments to the Indian Self-Determination Act should only be developed by the authorizing committees after *full consultation* with Tribes and tribal organizations. This essential step has not been taken.

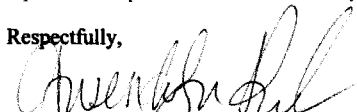
If the Administration wants to explore improvements in the funding of self-determination contracts, it should do so only through advance collaboration and consultation with all interested Tribes and National Congress of American Indians (NCAI). Until this occurs, the Administration's proposal should be immediately set aside or dropped entirely. NCAI has clearly detailed the nature of a consultation process that should be initiated prior to consideration of the Administration's proposal in its correspondence to your subcommittee:

No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and tribal leaders, informed by a joint technical working group and coordinated through NCAI. Such a consultation process must be scheduled to permit opportunity for full tribal participation. While NCAI believes that overall statutory caps on contract support costs should be eliminated, at the very least Congress should maintain in FY 2014 and FY 2015 the status quo statutory language enacted in FY 2013 so that tribally-developed changes in contract support cost funding mechanisms, if any, can be included in the FY 2016 Budget. In the meantime, NCAI calls upon the Senate and House authorizing committees to conduct oversight hearings on contract support costs.

The Southern Indian Health Council concurs with this recommendation, and along with the NCAI, opposes the Administration's unilateral proposal, in its FY 2014 budget request, to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of contract support costs. Contract support cost funding is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements.

Likewise, the Council opposes the Administration's Budget proposal to underfund Indian Health Services by approximately ***$140 million***. Such an action would serve to further cripple organizations like ours to provide needed healthcare to our people. We recommend that you fully funding contract support costs, consistent with the recent rulings of the Supreme Court in the *Ramah Navajo* Supreme Court ruling. SIHC strongly urges that Federal Government immediately and emphatically put a stop to broken promises to Indian County.

Respectfully,



Gwendolyn Parada, Vice Chairwoman
Southern Indian Health Council, Inc.

cc:

(Via U.S. Mail Only)
Kevin K. Washburn, Esq.
Assistant Secretary – Indian Affairs
United States Department of the Interior
MS-4141-MIB
1849 C Street, N.W.
Washington, DC 20240

(Via Email Only)
Committee on Indian Affairs
United States Senate
838 Hart Office Building
Washington, DC 20510
Email: comments@indian.senate.gov

House Appropriations Subcommittee on Interior, Environment, and Related Agencies

My name is John McCabe I am president of the Ding Darling Wildlife Society.

On behalf of our board of directors and our 2900 members please support FY14 funding of $499 million for National Wildlife Refuge System Operations and Maintenance (O&M). This restores some of the cuts made over the past few years, even though this will not cover the annual increases needed just to maintain management capabilities from year to year. According to the Cooperative Alliance for Refuge Enhancement (CARE) estimates that the Refuge System needs at least $900 million in annual funding to properly administer its 150 million acres and remains committed to aiming for this goal.

I also urge Congress to fully fund the Land and Water Conservation Fund (LWCF) at $900 million and urge a minimal commitment of $300 million of the National Wildlife Refuge System. Created in 1964 and authorized at $900 million per year (*more than $3 billion in today's dollars*), the LWCF is used for easement as well as fee acquisitions. Most FWS easements are appraised at one-third to one-half of the property's full-market value, allowing the Service to protect valuable wildlife habitat at less cost. As the economy improves, land values are increasing - now is the time to provide easement and land acquisition funding for FY14.

The JN 'Ding" Darling National Wildlife Refuge is already down 20% of its staff. Fire safety staff has been cut, not fuel load reduction burns will take place this yr. The refuge has large homes that a butt it. If a wild fire does break out homes and lives will be in jeopardy. The refuge has ~800,000 visitors a year as such it is the third most visited attraction in Lee County Fl., it is vital to our economy. Our tourist development agency reports that much more revenue is returned in taxes than is spent on the refuge. This does not take into account the environmental services provided by the refuge.

Please focus on the real drives of the countries budget problem the refuge system is not it.

Statement of Paul G. Billings
Sr. Vice President, Advocacy & Education
American Lung Association
April 25, 2013
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
U.S. Environmental Protection Agency FY 2014

	FY 14 Request ($millions)
Science and Technology	
Clean Air and Climate: Federal Vehicles and Fuels Standards and Certification	100.4
Indoor Air and Radiation: Indoor Air Radon Program	0.21
Research: Air, Climate and Energy	105.7
Environmental Programs and Management	
Clean Air and Climate: Clean Air Allowance Trading Program	20.5
Clean Air and Climate: Climate Protection Program	106.1
Clean Air and Climate: Federal Stationary Source Regulations	34.1
Clean Air and Climate: Federal Support for Air Quality Management	132.8
Indoor Air and Radiation: Indoor Air Radon Program	3.9
Compliance Monitoring	127.5
Enforcement	267.8
Grants to States	
Diesel Emission Reduction Grant Program	20.0
Radon	8.0
State and Local Air Quality Management	257.2

The American Lung Association is pleased to present our recommendations for Fiscal Year 2014 to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies. The American Lung Association was founded in 1904 to fight tuberculosis and today, our mission is to save lives by improving lung health and preventing lung disease. **We urge the Committee to ensure that the U.S. Environmental Protection Agency has the necessary resources to protect the public health from air pollution, and to adopt an FY 2014 bill free from any policy riders.**

Fulfilling the promise of the Clean Air Act to protect public health and save lives is a tremendous responsibility. Much progress has been made, but the EPA workload continues to be vast. In 2014, EPA must implement the health-based air quality standards for PM and ozone among others; continue implementing rules to clean up toxic pollution from industrial sources including but not limited to power plants; clean up toxic pollution from automobile tailpipes; and reduce carbon pollution from power plants. In addition, EPA must have the resources needed to aggressively enforce the law to ensure compliance and protect the public; support state and local air pollution cleanup; continue research on the health impacts of air pollution

and best ways to prevent and reduce exposure; improve air pollution monitoring; and ensure that the Clean Air Act is implemented in a way that protects the most vulnerable. As a nation, we need EPA to be able to do all of these things. Inadequate resources will hurt the health of our communities, families, children and the most vulnerable populations. Below, we have highlighted key provisions of the President's FY 2014 budget that deserve your support.

SCIENCE AND TECHNOLOGY

Clean Air and Climate: Federal Vehicle Fuels Standards and Certifications Programs

Congress should provide at least the requested $100.4 million in support for the EPA Federal Vehicle Fuels Standards and Certifications Programs. EPA has not been able to keep up with increasing demand vehicle certification and compliance testing, or the increasing diversity of technologies. Currently EPA has resources to conduct very limited testing of small imported engines, but a high fraction of these engines fail the tests. Additional resources are needed to improve this important program to protect public health. Additional resources will also expand EPA's ability to address greenhouse gas emissions from locomotives, marine craft and aircraft.

We also strongly support EPA's work to strengthen gasoline and vehicle standards. Cars, light trucks and SUVs are a major source of pollution that contributes to ozone and particle pollution. These pollutants trigger asthma attacks, harm heart and lung health, worsen existing conditions such as chronic obstructive pulmonary disease (COPD) and diabetes and can even lead to early death. Cleaner gasoline and vehicle standards will save thousands of lives each year, and prevent tens of thousands of asthma attacks and related hospitalizations.

Indoor Air and Radiation

The American Lung Association strongly opposes the $210,000 cut to the Indoor Air Radon Program for science and technology support for addressing the threat from radon. Exposure to radon continues to be a significant risk to human health, and is the largest cause of lung cancer after tobacco.[1] Without the science and technology support from EPA, state programs will struggle to protect the public from the threat of radon. Please fully restore this funding.

Research: Air, Climate and Energy

The American Lung Association strongly supports EPA's Air, Climate and Energy Research Program. Research is essential to improve the understanding of the health effects of air pollution and determining what levels of pollution should be set to protect the public with an adequate margin of safety. Additionally, improving the nation's air pollution monitoring network is absolutely critical in providing better information to enhance federal, state and local knowledge and empower efforts to protect the health of their communities. **We urge Congress to provide the full $105.7 million as requested in the President's FY 2014 budget.** Continued investment in other areas of research, especially in climate change and biofuels, is also vital.

[1] U.S. Environmental Protection Agency. EPA's Assessment of Risks from Radon in Homes (2003).

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Clean Air and Climate:

**Please support the EPA's Clean Air Allowance Trading Program funding request of $20.5 million,** to support development, implementation, and assessment of, and provides regulatory and modeling support for, efforts to address major regional and national air issues from stationary sources. Clean air allowance trading programs help implement the National Ambient Air Quality Standards (NAAQS) to reduce acid deposition, toxics deposition, and regional haze. Pollutants include sulfur dioxide (SO_2), nitrogen oxides (NO_x), and, as a co-benefit of SO_2 emission reductions, mercury. These are common sense investments in public health.

We strongly support the requested funding level of $106.1 million for the Climate Protection Program. EPA has an obligation to address public health threats associated with climate change. Higher temperatures can enhance the conditions for ozone formation. Even with the steps in place to reduce ozone, evidence warns that changes in climate could increase ozone levels in the future in large parts of the United States. More ozone means more asthma attacks, which increase the burden on already vulnerable populations.

We support the President's budget increases to improve air quality and address climate change. **Specifically, we support the President's budget request of $34.1 million for Federal Stationary Source Regulation**. EPA must have increased resources to meet increased demands of the Clean Air Act, including the statutory obligation to review dozens of stationary source air toxics standards due for their eight-year review in FY 2014. We urge Congress to provide funding needed to complete the review and revise these standards to protect public health.

The American Lung Association President's FY 2014 budget request of $132.8 million, for the Federal Support for Air Quality Management. People who live near major sources of pollution often face the greatest health risk. Through development of faster, electronic reporting, closing of data gaps, and continuing to develop the science necessary to reduce pollution to healthy levels, EPA supports states, Tribes and local agencies and directly benefits communities.

Indoor Air and Radiation: Indoor Air Radon Program

The American Lung Association strongly supports EPA's work to reduce the risk from radon in federal housing programs, but EPA's radon categorical grants also require staff support and oversight which has been cut from the President's FY 2014 budget. **We urge Congress to provide $3.9 million for the Indoor Air Radon Program (restoring funding to FY 2012 enacted levels) to ensure EPA can provide needed support and oversight to the states.** EPA must provide basic oversight and guidance to states as they work to reduce threats from radon.

Compliance Monitoring & Enforcement:

EPA must ensure that air pollution standards and requirements are being met to protect public health. The American Lung Association supports EPA's request for compliance monitoring and enforcement funding to identify and reduce non-compliance, and enforce penalties when required to deter future non-compliance. In order to effectively protect the public and promote

justice, EPA must have the ability to enforce penalties for permit violations and respond to civil enforcement actions authorized by the Clean Air Act. **Please fully fund EPA's Compliance Monitoring request for $127.5 million, and their Enforcement program request of $267.8 million, in the interests of the nation's youngest, oldest, and most economically challenged citizens.** The American public needs a pollution cop on the beat, and they should be fully prepared and given adequate resources to fulfill their duties.

GRANTS TO STATES

Diesel Emission Reduction Act:

The American Lung Association strongly opposes cuts in the President's Budget to the widely supported Diesel Emission Reduction Act (DERA) program that was reauthorized in late 2010. Please restore funding to at least $20 million. Twenty million old diesel engines are in use today that pollute communities and threaten the public and workers. Immense opportunities remain to reduce diesel emissions and protect public health through the DERA program.

Radon:

We strongly oppose the elimination of the $8 million state radon categorical grants as proposed in the President's Budget. Without the financial support from EPA, the state programs will not be able to protect the public from the pervasive threat of radon.

State and Local Air Quality Management:

We strongly support the requested $257.2 million for State and Local Air Quality Management Grants. State and local air pollution agencies need more resources, not less, to ensure proper implementation of the Clean Air Act and protection of the public, since they are on the front lines nationwide in efforts to improve air quality. Yet they are perennially underfunded. In FY 2014, the states and local agencies will develop state-specific strategies to implement air quality standards, including modeling and developing emission inventories; implement and enforce federal mercury and air toxics standards including monitoring, collecting, and analyzing emissions data; operate and maintain air pollution monitoring network; and much more. These activities are crucial to ensuring success of the Clean Air Act.

NOTE: We oppose a provision in the President's FY 2014 budget that would gradually shift $PM_{2.5}$ monitoring funds from Clean Air Act, Sec. 103 (where matching funds are not needed) to Sec. 105, which requires additional matching funds. **Federal funds must be made available for Clean Air Act implementation and enforcement, especially if state or local funds are lacking.**

Conclusion

Thank you for the opportunity to present the recommendations of the American Lung Association. For more than forty years the Clean Air Act has directed EPA to protect the public from air pollution and fulfill the promise of air that is clean and healthy for all to breathe. **We urge the Committee to ensure that EPA is meeting the required deadlines and updating standards to reflect the best science with the maximum health protection, and to pass and FY 2014 bill free of any policy riders.**

Testimony of the National Association of Clean Air Agencies
Provided to the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2014 Budget for the U.S. Environmental Protection Agency
April 25, 2013

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to testify on the FY 2014 proposed budget for the United States Environmental Protection Agency (EPA). NACAA supports the President's request for a $21.5-million increase (over the FY 2012 enacted budget) in federal grants for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act, under the State and Tribal Assistance Grant (STAG) account (for a total of $257.2 million). Additionally, NACAA supports retaining funding for fine particulate matter ($PM_{2.5}$) monitoring under Section 103 authority, rather than shifting it to Section 105 authority.

NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 43 states, the District of Columbia, four territories and over 116 metropolitan areas. The members of NACAA have the primary responsibility under the Clean Air Act for implementing the nation's clean air program. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. The comments we offer are based upon that experience. The views expressed in this testimony do not represent the positions of every state and local air pollution control agency in the country.

State and Local Air Quality Programs Face Significant Funding Deficits

State and local air pollution control agencies have been facing significant funding deficits for many years, with adverse impacts on their ability to implement the federally mandated core elements of the clean air program. A study NACAA conducted several years ago showed that there is an annual shortfall of $550 million in federal grants for state and local air programs.[1] While the resource needs for these vitally important state and local programs are substantial and the proposed increase would not eliminate the deficit, we understand that full funding in the current economic climate is unlikely. We appreciate the Administration's recognition of the importance of clean air and we believe the proposed increase is essential for our efforts to obtain and maintain healthful air quality.

State and local air agencies do more than their fair share to provide resources for their air quality efforts. Section 105 of the Clean Air Act authorizes the federal government to provide grants for up to 60 percent of the cost of state and local air programs, while state and local agencies are required to provide a 40-percent match. However, the reality is that state and local air quality programs, on average, supply 77 percent of their budgets (not counting permit fees under the federal Title V program), while federal grants total only 23 percent.

[1] *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies*, (April 2009), NACAA, http://www.4cleanair.org/Documents/Reportneedssurvey042709.pdf.

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To make matters worse, the grants these agencies receive have decreased in purchasing power over recent years due to inflation. For example, between FY 2000 and FY 2011, the purchasing power of federal grants decreased by 9 percent. This decline, along with unrelenting and increasing responsibilities, has made it difficult for many states and localities to keep their essential air quality programs operating.

Many agencies have reported reductions in and/or elimination of programs, as well as diminishing staff levels. According to a recent survey that the Environmental Council of the States (ECOS) conducted, 37 states reported that 2,112 environmental agency positions have been eliminated or held vacant due to budget limitations in FY 2010.[2] State and local agencies find it difficult to operate in the midst of these types of staffing woes, as it is hard to recover from the loss of trained and valuable staff.

The impacts of program reductions due to economic conditions are significant. Many NACAA agencies report worrisome program contractions, including reductions and/or elimination of activities related to the following: monitoring, including curtailment of monitoring and/or analysis activities or even closing down of monitoring sites; permitting for major and minor sources, resulting in delay and backlogs in permit issuance and reduced permitting assistance to sources; inspections of sources, including for compliance purposes; air toxics programs, including implementing federal air toxics standards and taking delegation of federal area source standards; public education and outreach; emissions inventory work; training; data analysis; citizen-complaint response; rulemaking; development of State Implementation Plans (SIPs); and motor vehicle-related programs.[3] In an era in which the public expects immediate information and rapid responses to their concerns, this loss of capacity is even more of a challenge.

It is important to remember that well-funded and well-operated air quality agencies can serve their communities better through more efficient permitting and compliance assistance, among other things. Considering those benefits, as well as the fact that the public's health and welfare are at risk, it does not make sense to underfund these critical programs. However, since the economy has been slow to recover, air agencies will continue to make painful decisions, such as reducing or cutting air programs that protect public health. During these hard economic times, federal grants are more essential than ever.

We fully understand that Congress must allocate ever-scarcer resources among many commendable programs. However, it is worth noting that improvements in air quality are very cost effective and beneficial to our economy. More healthful air quality results in lower health-care costs and a more productive workforce. An EPA analysis has shown that the benefits of the Clean Air Act since 1990 have exceeded the costs by over 30 to one.[4] This is a return on an investment the likes of which few programs can claim.

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[2] *ECOS Green Report – Impacts of Reductions in FY 2010 on State Environmental Agency Budgets* (March 2010), Environmental Council of the States, http://ecos.org/files/4011_file_March_2010_ECOS_Green_Report.pdf.

[3] NACAA Letter to Leadership of House Appropriations Subcommittee on Interior, Environment, and Related Agencies (June 28, 2011), http://www.4cleanair.org/Documents/NACAAlettertoHousewithstaffstudy2011.pdf.

[4] *The Benefits and Costs of the Clean Air Act Amendments from 1990 to 2020* (March 1, 2011), EPA, http://www.epa.gov/air/sect812/feb11/summaryreport.pdf.

The Increases Will Support Essential Programs

As stated earlier, the Administration has requested a $21.5-million increase (over the FY 2012 enacted budget) in federal grants for state and local air pollution control agencies, for a total of $257.2 million. These additional funds can be put to good use to support our core programs – which are the foundation of the air program and include day-to-day responsibilities – and monitoring, among other things. The list of activities for which state and local agencies need federal funding is extremely long, but here are just a few of the things these agencies must do in FY 2014 that the Administration's proposed funding level would support:

- develop state strategies (i.e., SIPs) to implement the health-based National Ambient Air Quality Standards (NAAQS), which will include complex modeling, development of emission inventories and public involvement;
- make recommendations for area designations and develop supporting documentation for the fine particle ($PM_{2.5}$) NAAQS issued in 2012;
- implement the eight-hour ozone and lead NAAQS that were issued in 2008;
- implement the one-hour nitrogen dioxide (NO_2) NAAQS and the one-hour sulfur dioxide (SO_2) NAAQS from 2010;
- continue the implementation of previous $PM_{2.5}$ and ozone NAAQS;
- continue implementation of permitting requirements for greenhouse gases, sulfur dioxide, NO_2 and $PM_{2.5}$;
- implement changes to $PM_{2.5}$ monitoring requirements related to recent revisions to the particulate matter NAAQS;
- continue operation of multi-pollutant monitoring site networks;
- deploy near-road NO_2 monitoring stations, some of which will include carbon monoxide monitoring;
- implement and enforce EPA regulations to address hazardous air pollutants (HAPs), including Maximum Achievable Control Technology (MACT) standards and area source programs; and
- monitor, collect and analyze emissions data related to HAPs.

Monitoring Funds Should Remain under Section 103

The President's budget request includes a provision whereby $PM_{2.5}$ monitoring funds would begin to be shifted, over a four-year period, from Clean Air Act Section 103 authority, where matching funds are not needed, to Section 105, which would require additional matching

funds. While we appreciate that the budget request would retain level federal funding for $PM_{2.5}$ monitoring, we request that these funds remain under Section 103 authority, as they have in the past, rather than being shifted to Section 105 authority. For any state or local agencies with concerns about the matching requirements, this will ensure that they can continue receiving these critical monitoring funds.

Why Are Clean Air Programs So Important?

We have discussed the funding shortfalls that exist and how state and local programs are in need of additional resources. But why is it so important that these public health programs be adequately funded? It is because air pollution causes tens of thousands of premature deaths every year and results in many more people suffering serious health problems. These include the aggravation of respiratory and cardiovascular diseases; damage to lung tissue, irregular heartbeat, heart attacks, difficulty breathing; increased susceptibility to respiratory infections; adverse effects on learning, memory, IQ, and behavior; and cancer. Air pollution also harms vegetation and land and water systems, impairs visibility and causes other adverse impacts.

This is indeed a public health crisis, with the widespread adverse effects spanning the United States, affecting millions of people. EPA estimates that 124 million people in the country lived in areas that violated at least one of the health-based NAAQS in 2010.[5] EPA's most recent data on toxic air pollution showed that *everyone* in the United States had an increased cancer risk of over 10 in one million (one in one million is generally considered "acceptable").[6]

What is notable is that some of these deaths and adverse health impacts are *preventable* through programs designed to reduce air pollution. That is why it is so critical that state and local air quality programs, the implementers of the federal Clean Air Act, be adequately funded to carry out their mission.

Conclusion

Increases in federal grants for state and local air pollution control agencies are essential if they are to continue their core activities and address some of the new requirements mandated by federal law and regulation. While the need for federal grants far exceeds the proposed amount, state and local agencies appreciate any increase provided and would put the additional funds to excellent use.

NACAA supports the FY 2014 budget request for federal grants to state and local air quality agencies under Sections 103 and 105 of the Clean Air Act, which is $257.2 million ($21.5 million over the FY 2012 enacted budget). Also, NACAA supports retaining funding for $PM_{2.5}$ monitoring under Section 103 authority, rather than shifting it to Section 105 authority.

Thank you for this opportunity to testify and for considering the efforts of state and local air quality programs as they improve and protect public health.

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[5] *Our Nation's Air: Status and Trends Through 2010* (February 2012), EPA, www.epa.gov/airtrends/2011/.
[6] National Air Toxics Assessment for 2005 - Fact Sheet, www.epa.gov/ttn/atw/nata2005/05pdf/sum_results.pdf.

Testimony of Bill Durkin, President
Friends of Rachel Carson NWR
In Support of Funding for the National Wildlife Refuge System
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

April 25,2013

Mr. Chairman and Honorable Members of the Subcommittee: I am Bill Durkin, President of the Friends of RCNWR in Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 22 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general funding of the System. I thank you all for your consideration.

*** 1.We are requesting an overall funding level of $499 Million in FY 2014 for the operations and maintenance budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. An investment in the nation's Refuge System is an excellent investment in the American economy. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized. We fully supported the President's request of $499 Million for O&M for the NWRS.

**** 2. The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, LWCF needs to be funded at the $700 Million level. Created in 1965 and authorized at $900 million per year (more than $3 billion in today's dollars), the LWCF is our most important land and easement acquisition tool. . The President has included meaningful increases to the program in his FY 2014 budget, and I support the Administration's commitment to fully funding the program in the near future. I urge a minimal commitment of $300 Million to the National Wildlife Refuge System. This wise investment in the Land and Water Conservation Fund is one that will

permanently pay dividends to the American people and to our great natural and historical heritage.

The Land and Water Conservation Fund should be fully funded at $900 million annually - the congressionally authorized level. LWCF is good for the economy, it is good for America's communities and their recreational access and it is critical for our public lands.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best seller The Sea Around Us. This landmark study, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it, the refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast. This year, we will be celebrating the 50th anniversary of Rachel Carson's publication of her historic book, Silent Spring.

I again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate $499 million for the Refuge System's FY14 Operations & Maintenance (O&M) budget, and fund the LWCF at the $700 million level. The LWCF request is constant every year, we need Congress to standby their commitment that was made in 1964 : stabilize the fund.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and it's habitat. Enjoy your next walk out on a National Wildlife Refuge.

Bill Durkin
President
Friends of Rachel Carson National Wildlife Refuge
PO Box 117
Biddeford Pool ME 04006

Testimony by Healing Our Waters©-Great Lakes Coalition to the House Committee on Appropriations' Subcommittee on the Department of the Interior, Environment, and Related Agencies Regarding the Department of the Interior and Environment Appropriations Act, 2014

Submitted by: Chad W. Lord, Policy Director
Healing Our Waters©-Great Lakes Coalition
(202) 454-3385; clord@npca.org
April 19, 2013

Members of the subcommittee. It is an honor to provide this written testimony regarding one of our world's most prized natural and economic resources--the Great Lakes.

The Healing Our Waters©-Great Lakes Coalition joins a bi-partisan group of 38 Representatives in asking the Subcommittee to support $300 million for the popular and effective Great Lakes Restoration Initiative in fiscal year 2014. We appreciate the strong support the Subcommittee has provided over the last four years and ask that you maintain this support next year. We feel that our request is well justified because:

- The economies of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin hinge on a healthy, restored Great Lakes;
- Funds are being quickly spent on the right priorities;
- Projects are producing results; and
- If funding is cut, projects will only become more difficult and expensive the longer we wait.

The Healing Our Waters-Great Lakes Coalition is comprised of more than 120 environmental, conservation, hunting, and fishing organizations; museums, zoos, and aquariums; and businesses representing millions of people whose goal is to restore and protect the Great Lakes. We came together to fight for the Great Lakes, and we recognize the need for federal assistance for all great waters, including Puget Sound, the Everglades, Coastal Louisiana, and Chesapeake Bay.

Mr. Chairman and ranking member, 30 million people rely on the Great Lakes for their drinking water, and millions more benefit from the commerce and business that depend on the waters of the Great Lakes. Unfortunately, the health of the Great Lakes continues to be seriously threatened by problems such as untreated sewage, toxic pollution, algal blooms, and invasive species. The eight states that border the Great Lakes and numerous non-governmental organizations have invested a significant amount of their own resources in restoring these bodies of water. Additional funding, however, is needed. Unless the federal government continues to invest in the lakes these problems will get worse and the price we pay will be higher.

People in the region recognize the federal government cannot do it alone, which is why Americans have come together to help heal the lakes and undertake one of our nation's largest ecosystem restoration projects. Non-governmental groups, industries, cities, and states are forging public-private partnerships to clean up toxic hot spots, restore fish and wildlife habitat, and combat invasive species. Our Coalition has invested almost half a million dollars of our own resources to help our member groups restore and protect this resource. The philanthropic

community has also invested approximately $100 million over the past three years through initiatives to educate citizens and policy makers about the Great Lakes environment and to identify actions and policies that most effectively will restore its health.

Economic Benefits

Cleaning up the Great Lakes is not only critical for the health and quality of life in the region, it also drives economic development – and jobs – in communities for years to come. Investments in Great Lakes restoration are creating short-term jobs and leading to long-term economic benefits for the Great Lakes states and the country. A Brookings Institution report shows that every $1 invested in Great Lakes restoration generates at least $2 in return, making Great Lakes restoration one of the best investments on the dollar in the federal budget. More recent research from Grand Valley State University suggests that the return for certain projects are closer to 6-to-1. The University of Michigan has also demonstrated that over 1.5 million jobs are connected to the Great Lakes, accounting for more than $60 billion in wages annually. According to the Great Lakes Commission, more than 37 million people boat, fish, hunt and view wildlife in the region, generating over $50 billion annually. Great Lakes businesses and individuals account for about 28 percent of the U.S. gross domestic product, according to Bureau of Economic Analysis data. We have also seen jobs being created by our nation's efforts to clean up the Great Lakes and restore fish and wildlife habitat. These jobs include wetland scientists, electricians, engineers, landscape architects, plumbers, truck drivers, and many others.

While we do not have precise figures on the total number of jobs that have been created by the effort to clean up the Great Lakes, it is likely in the thousands. Consider:

- 125 jobs were created for a $10 million project to restore fish and wildlife habitat in Muskegon Lake, a Great Lakes Area of Concern in Michigan.
- 177 people are employed to control the invasive sea lamprey in the Great Lakes, which costs the U.S. and Canadian governments $20 million annually.
- 174 jobs were created, some of which were filled by at-risk youth, to remove dams and other barriers in a 150-mile stretch of the Milwaukee River system.

Specifically, stories like that of small business owner Jim Porath of Porath Contractors are becoming increasingly common. Jim tells of having to let go half his work force when the recent recession hit. GLRI investments in Michigan allowed him to hire half that work force back to restoring wetlands that filter nutrients out of water and create habitat for wildlife, both of which are so important to Michigan's economy. There are many people like Jim, whose stories underscore the importance of the program both to our environment and economy.

Investments Producing Results

The people that have been put to work protecting and restoring the Great Lakes are working on projects that are producing results:

- The Presque Isle, PA, Area of Concern was delisted and the management actions necessary for delisting were completed in the Sheboygan, WI, AOC. As a result, Sheboygan and other cities have begun debating how to market and develop their cities after years of being pegged as toxic hot spots.

- 21 beneficial use impairments (BUIs) at 12 AOCs were removed, bringing the cumulative removal total to 33, exceeding the GLRI Action Plan target. More BUIs have been removed since the GLRI began in 2010 than between 1987 and 2009.
- The Fish and Wildlife Service, National Park Service, NRCS, and NOAA (among others) restored, protected, or enhanced over 90,000 acres of wetlands and other habitat in the Great Lakes.
- 800 river miles were cleared of barriers resulting in fish swimming into stretches of river where they've been absent for decades.
- Farmers implemented conservation practices on nearly 280,000 acres of Great Lakes farms to reduce erosion and nutrient runoff into Great Lakes tributaries.[i]

These numbers are impressive. The stories behind them, however, are more illuminating as to the types of results that we are seeing and what is being accomplished:

- At the Ashtabula River in Ohio, a sediment cleanup and habitat restoration project has restored the lower two miles of the river and advanced efforts to get it de-listed as a Great Lakes Area of Concern. The project has improved water quality and deepened the river channel, making the lower Ashtabula suitable again for maritime commerce, fishing, and recreation boating.
- The Grand Calumet River, which flows through a heavily industrialized area south of Chicago, was for years considered America's most polluted river. Thanks to a major cleanup, a large wetland was restored and more than 575,000 cubic yards of toxic mud was removed from the Lake Michigan tributary. The restoration project addressed pollution that led to fish consumption advisories, destroyed wildlife habitat, and an array of other environmental problems.
- At Clear Creek in Freedom, New York, excess stream erosion and sediment, in-stream barriers, elevated water temperatures, and competition from invasive fish restricted brook trout to a few tributaries in the watershed. A Great Lakes Restoration Initiative project restored 1,200 linear feet of in-stream habitat and re-established fish passage over a sheet-pile grade control structure, reconnecting six miles of prime trout habitat.[ii]

More stories on the over 1,500 GLRI-funded projects currently underway can be found at http://healthylakes.org/success/restoration-success/.

The administrative accomplishments of EPA and the other federal agencies like the U.S. Fish and Wildlife Service, NOAA, NRCS, and the National Park Service are equally impressive. The federal agencies have been able to quickly convert the funding they receive through the GLRI to supplement restoration activities through existing, authorized programs. This structure, guided by a number of plans,[iii] allows for funds to move quickly from appropriations to EPA through the interagency agreements EPA reaches with the other agencies and onto the ground to complete important restoration activities. This model also ensures accountability through the establishment of an "orchestra leader" (EPA), helps accelerate progress, and avoids potential duplication, all of which help save taxpayers money while focusing efforts on the highest priorities.[iv]

Making a Good Program Better

To date, the Great Lakes Restoration Initiative has shown impressive results. Nevertheless, it is imperative that the GLRI continue to improve. Now that our nation is approaching year five of the GLRI, we have identified issues that we believe must be looked at by EPA and the federal interagency task force to ensure future effectiveness of the Great Lakes restoration effort. We believe that these changes will help to make a good program even better.

EPA's Science Advisory Board noted in a recent report that the GLRI Action Plan supported getting started because enough was known about underlying causes and potential remedies to impairments in the Great Lakes to initiate action; that the Action Plan identifies most of the key actions needed; and that the Action Plan is largely consistent with previous plans and strategy documents. However, the SAB's report pointed out that the GLRI needs to do better research, monitoring, and assessment. It also pointed out that the GLRI lacks a formal science-based framework for assessing progress and evaluating future priorities. We believe this science-based framework and independent science advice is critical as it adds value to Great Lakes restoration; that the region's scientists must be engaged in producing and helping implement that plan and not just asked to react to a federally-generated adaptive management blueprint; and that EPA use an appropriate portion of GLRI funds to implement the federal and non-federal research, monitoring, and assessment required for future success.

Conclusion

Thank you again for the opportunity to share our views with you. The GLRI is a highly effective model that is delivering results. However, we all must keep in mind that it will take time for all of us to see lakewide environmental improvement in an ecosystem the size of the Great Lakes. We're seeing hundreds of trees but it still will take a little time to make them into a forest.

We also recognize the tough choices you face, but we believe that restoring the Great Lakes is not only good for the environment but also is good for the national economy as well. We hope you will support the President's FY 2014 budget request and maintain $300 million for the GLRI next year.

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[i] U.S.EPA. "Fiscal Year 2014 Justification of Appropriation Estimates for the Committee on Appropriations." Page 278

[ii] Found at www.healthylakes.org/successes/.

[iii] E.g., Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes (2005); Great Lakes Restoration Initiative Action Plan (2010)

[iv] Even with quick federal action, the Great Lakes region has a shortened work season because of winter conditions. This can result in a longer time period for grantees to outlay GLRI funds rather than just the obligation of funds.

Kirk Bailey
Vice President – Government Affairs
Outdoor Industry Association

April 24, 2013

The Honorable Mike Simpson (ID)
Chairman
House Interior Appropriations Subcommittee
B-308 Rayburn House Office Building
Washington, DC 20515

The Honorable Jim Moran (MD)
Ranking Member

Dear Chairman and Ranking Member:

On behalf of the Outdoor Industry Association and our more than 1,300 member companies, I write to urge you to support modest and sustainable funding for the recreation and preservation programs of the Department of Interior, the U.S. Forest Service and the EPA.

The strength of our national economy is directly linked to the treasures that are our parks, forests, waterways, wildlife refuges, recreational trails and similar recreation assets. These public lands and waters are deeply popular with American families nationwide. Moreover, they represent a foundational infrastructure for recreation just as important as highways are to the transportation industry or fiber optic lines are to the telecommunications industry. A national outdoor recreation system of diverse, accessible, affordable places for every American to get outdoors and enjoy healthy lifestyles is crucial to the health and well being of the American people and our economy.

Rather than compounding our deficit problems, our national outdoor recreation system produces exceptional economic value and jobs in communities across the country. Our public lands and waters drive a recreational economy that generates $646 billion in direct consumer spending, supports more than 6 million sustainable American jobs, and generates more than $80 billion in federal, state and local tax revenue. At the local level, resources invested in recreational trail infrastructure, river access and other open space have an impressive and sustainable return for local economies, especially those in rural areas.

In real terms, federal spending on natural resources and recreation programs has declined over the last 20 years. This program area comprised only about 1% of the total federal budget for FY 2012. Natural resources, recreation, bicycling, and community development programs are, at best, paltry contributors to the federal deficit yet they have been disproportionately targeted for cuts in the past. We believe this should be avoided as Congress begins consideration of the FY 2014 federal appropriations. Instead, these programs need to be recognized as shining examples of the type of sound investment that the federal government should pursue.

In order to support a strong economy and foster happy, healthy families and communities, we

urge Congress to recognize the importance and value of the investments in the natural resources, recreation, conservation, and preservation programs found in the budgets for the Department of the Interior, the Forest Service, and the EPA.

Please provide adequate funding for the our nation's public lands and waters as outlined below:

Department/Program	FY12 Enacted	FY14 Proposed	OIA Request
Land and Water Conservation Fund (Total)	322	600	**900**
Federal Land Acquisition (Interior & Agriculture (USFS)	199.1	356	**356**
Cooperative Endangered Species Conservation Fund	25	84	**84**
NPS State Grants	44.9	60	**60**
Urban Parks and Recreation Recovery Grants	0	15	**15**
Forest Legacy Program (USFS)	53.3	84.8	**84.8**
Department of the Interior			
Youth Programs (department-wide)	42	54	**54**
Land Management Operations (NPS, BLM, FWS)	4,535	4675.8	**4675.8**
Partnership Program	100	104	**104**
Rivers, Trails, Conservation Assistance	9.9	10.1	**10.1**
Historic Preservation and Battlefield Grants	57.3	50.3	**57.3**
Reclamation River Restoration	154	120.2	**154**
Agriculture – National Forest System (USFS)			
Recreation, Heritage and Wilderness	281	261	**281**
EPA – *Protecting America's Waters*	2,799	2,479	**2479**
TOTALS (in millions)	9984.3	9993.2	**$10696**

Healthy and productive communities offer lasting good jobs and easy access to parks, trails and other places to play. There is no doubt that people use green spaces when they're available, well maintained and close at hand. A growing body of evidence demonstrates that access to green spaces has significant economic and health benefits.

- After investing in public space restoration and development, the city of Ogden, UT, added more jobs than any other region in the country in 2011, with more than 8,000 new jobs flowing into the community. In addition, the city has scored more than $1.2 billion in investment, while lowering taxes three times. And crime has dropped by 33 percent, which is more than double the national average rate.

- In Cincinnati, OH, research found that homeowners were willing to pay a premium of $9,000 on houses that were within 1,000 feet of bike paths.

- As part of its turnaround strategy, Pittsburgh, PA, created the Allegheny Riverfront Green Boulevard, "a multi-modal transportation corridor that includes park access, open space programming, neighborhood design, storm water management and habitat restoration."

- The state of Arkansas awarded $1.2 million in 50/50 match grants in 2012 to foster outdoor recreation, recognizing its potential benefits to the economy and residents' quality of life.

Outdoor recreation and the outdoor industry are a core economic sector in America, driven by innovation and technology. Sustainable, American jobs exist across the value chain—suppliers, manufacturers, retailers, sales representatives. Moreover, outdoor recreation is an industry that America dominates worldwide. The world looks to America as the leader in the protection of our public lands and waters and looks to American brands for innovative outdoor products, gear, apparel and footwear.

A healthy and diverse outdoor recreation economy promotes economic activity and jobs in every community—large & small, urban & rural—across America. Outdoor recreation and the places that Americans get outside— parks, trails, rivers and open space—are critical economic drivers and essential to a high quality of life. Cutting funding that supports those quality places directly and adversely impacts not just the outdoor industry, but a diversity of other industries and myriad associated businesses that chose their location, in large part, on accessible, healthy public lands and watersheds and outdoor spaces to be enjoyed by their workforce. Conversely, investing in these quality lands and waters promises significant economic growth for both the outdoor industry and the many associated businesses that choose to locate near public lands and outdoor spaces in order to improve the quality of life experience for their employees.

Please promote a strong economy and happy, healthy families and communities by investing in our nation's parks, trails, rivers and open spaces.

Respectfully,

Kirk Bailey

Kirk Bailey
Vice President – Government Affairs

Cc: Cong. Harold Rogers, Kentucky
Cong. Nita Lowey, New York
Cong. Ken Calvert, California
Cong. Tom Cole, Oklahoma
Cong. Tom Graves, Georgia
Cong. Jaime Herrera Beutler, Washington
Cong. David Joyce, Ohio
Cong. David Valadao, California
Cong. Betty McCollum, Minnesota
Cong. Chellie Pingree, Maine
Cong. José Serrano, New York
Federal Interagency Council on Outdoor Recreation (FICOR)

.WRITTEN TESTIMONY OF DUCKS UNLIMITED, INC.
BY DALE HALL, CHIEF EXECUTIVE OFFICER

BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

APRIL 25, 2013

CONCERNING FISCAL YEAR 2014 APPROPRIATIONS

Thank you for the opportunity to offer comments from Ducks Unlimited on the Fiscal Year 2014 Interior Appropriations bill. Founded by waterfowl hunters, Ducks Unlimited, Inc. (DU) is the premier national wetlands conservation organization working in all 50 states and across the continent to conserve, restore and manage wetlands and associated habitats for North America's waterfowl. After 76 years of pursuing habitat conservation across the North American continent, DU is the world's largest and most effective private waterfowl and wetlands conservation organization having conserved more than 13 million acres. DU delivers its work multilaterally through a series of private and public partnerships with landowners, state and federal agencies, scientific communities and other entities. The continuation of conservation partner programs preserves our nation's hunting heritage, outdoor recreation-related jobs that cannot be exported, and the economic impact of more than 37.4 million sportsmen and women who spent $90 billion in the United States in 2011.

We appreciate your support for the following programs:

1. **The North American Wetlands Conservation Act (NAWCA)**

DU's FY 2014 Request for NAWCA: $39.4 million

The North American Wetlands Conservation Act (NAWCA) is the most effective wetlands protection and restoration program administered by the federal government. Enacted in 1990, NAWCA is a competitive grant program that encourages a wide variety of partners to create highly effective and long lasting on-the-ground projects in areas where they will be the most beneficial to wildlife. Hundreds of species of birds, reptiles, amphibians, fish and mammals benefit from the work incentivized by these federal grants. Habitat work has been completed on both public and private lands, thus improving recreational opportunities while providing additional economic benefits for landowners and their communities. Functioning wetlands also attenuate floods, buffer coastal storm surges, and filter sediments and nutrients thus purifying drinking water. Many millions of acres of wetland habitat have been lost in the United States, and NAWCA helps conserve the quality habitat that remains for both wildlife and people.

The law requires each federal dollar put into the program is matched by at least $1 in non-federal funds. Demonstrating the extreme success of this private-public partnership, the partner investment in NAWCA has far exceeded the required match. Over the life of the program, an average of 3.2 non-federal dollars have been committed to each federal dollar invested. The significant partner investment in NAWCA ensures that communities and landowners will maintain these wetlands properties for maximum wildlife benefit for many years to come.

Throughout the first decade of the 2000s, the NAWCA program saw its funding steadily increasing, moving from FY 2001 levels of $39.9 million to its highest funding level of $47.6 million in FY 2010. Funding has dropped dramatically over the last several years to current levels of $33.64 million. This dramatic decrease of nearly 30 percent in three years has severely restricted partners' abilities to put projects on the ground.

The Administration has requested funding levels of $39.4 million in FY 2014. Such funding would bring the program to near FY 2001 levels. A 2002 study by the U.S. Fish and Wildlife Service and Southwick Associates found that 2001 NAWCA funding at $40 million created more than 7,500 jobs and more than $192 million in worker earnings, as well as brought in $23.6 million in federal income tax.

NAWCA provides jobs on the ground in the form of employing local contractors, engineers, wildlife biologists, community-based retail businesses and many more, providing a valuable return for investment for the federal government. Continued reductions in funding will erode the program's ability to facilitate the types of on-the-ground projects that are so beneficial to wildlife and communities.

2. **Land and Water Conservation Fund (LWCF) & Dakota Grasslands Conservation Area (DGCA)**

DU's FY 2014 Request for LWCF: $600 million, with $11.7 million of that funding going to the DGCA

For almost 50 years, the Land and Water Conservation Fund (LWCF) has been the nation's primary non-taxpayer-based tool to conserve parks, wildlife refuges, forests, rivers, trails, battlefields, historic and cultural sites, urban parks, playgrounds and other important federal, state and local public lands. The program is funded through revenues from offshore oil and gas development. Some of the LWCF funds are used to support several landscape-level conservation initiatives, including the Dakota Grasslands Conservation Area and others.

The Dakota Grasslands Conservation Area will preserve, at a landscape scale in the waterfowl-critical Prairie Pothole Region, the ecological integrity of the area's mixed-grass prairie, tallgrass prairie, prairie pothole wetlands and riparian woodlands, while retaining the presence and the support of the ranching culture. Conservation easement contracts will be used to provide perpetual protection of habitat for trust species. Easement land will remain in private ownership and in working farms and ranches. Ducks Unlimited strongly supports funding for the Dakota Grasslands through LWCF.

Ducks Unlimited further supports dedicating a percentage of LWCF to enhance access to public lands for hunting, fishing and other wildlife-dependent activities. Adding dedicated access provisions to LWCF would allow funds to be used to make or create access points to our public lands. This would open significant portions of federal lands that are currently inaccessible for responsible public use.

The program's current authorization is $900 million, yet funding has only reached that level twice in its 48-year history. Appropriations in FY 2013 for the entire program were only a third of what was intended to be delivered to the program. Ducks Unlimited supports the Administration's FY 2014 budget proposal of an LWCF investment of $600 million from oil and gas revenues. DU also supports calls for mandatory use of one third ($200 million) of LWCF funds for their intended conservation purposes. Ducks Unlimited strongly supports the $11.7 million slated for the DGCA and the Dakota Tall Grass Prairie Wildlife Management Area.

3. **U.S. Migratory Bird Joint Ventures (JVs)**

DU's FY 2014 Request for the JVs: $14.143 million

The U.S. Migratory Bird Joint Ventures (JVs) are a group of collaborative, regional partnerships of government agencies, non-profit organizations, corporations and individuals who conserve habitat for priority bird species, wildlife and people. The JVs were created to support the North American Waterfowl Management Plan (NAWMP) in 1986, and currently use 22 habitat-based JVs to address bird habitat conservation.

North American Wetlands Conservation Act is helping to successfully implement the habitat objectives of the NAWMP and other national and international conservation plans for wetland-associated migratory birds. The regional JVs play a substantial role by fostering partnerships to successfully deliver NAWCA projects. DU is actively involved with many of the JVs and, while habitat conservation programs like NAWCA should come first, we support adequate funding to continue the work of the existing JVs to help facilitate on-the-ground conservation.

The Joint Ventures have a long history of collaborative conservation, and over the history of the partnerships, every dollar appropriated for the JVs has been matched by $36 in non-federal partner funds. The combination has allowed the JVs to conserve 20.5 million acres of eritical habitat and has contributed to significant population increases in most waterfowl populations.

4. **State and Tribal Wildlife Grants (SWG)**

DU's FY 2014 Request for SWG: $61.323 million

The development of State Wildlife Action Plans in 2000 was historic, as it was the first time in history that comprehensive fish and wildlife conservation plans were in place in every state, territory and the District of Columbia. In these plans, Congress required that states identify the species of greatest conservation need —those species that could be facing federal endangered species listing in the future if steps are not taken.

The vision laid out by Congress when it started the State & Tribal Wildlife Grants program in 2001 was simple; establish a new partnership between the states and U.S. Fish and Wildlife Service to create a non-regulatory alternative to preclude new endangered species listings by addressing the life needs and habitat requirements of species before they reach the point where listing under the ESA was necessary. Conserving species before it becomes necessary to list them makes good biological sense, good economic sense and good common sense. There have been numerous examples reported of these preventative conservation successes, and this year, the USFWS will release a summary of all projects funded through the SWG program.

5. **Neotropical Migratory Bird Conservation Act (NMBCA)**
DU's FY 2014 Request for NMBCA: $3.786 million

The Neotropical Migratory Bird Conservation Act (NMBCA) is another important partnership program for the U.S. Fish and Wildlife Service and their efforts to foster international conservation of migratory birds and their habitats. Migratory birds know no political boundaries and this program is a modest investment to help ensure neotropical migratory birds return to the U.S. from Canada and Mexico each year.

Since 2002, when the grant program began, partnerships have received more than $43 million to support 395 projects in more than 36 countries and 28 U.S. states. More than 3 million acres have been positively impacted. An additional $166 million in partner funds have been contributed to these projects—a partner-match of nearly 4 to1.

Funding for the program has remained relatively steady over the last four years, ranging from $5 million in FY 2010 to $3.6 million in FY 2013. The Administration requests $3.786 million in its FY 2014 Budget Request.

6. **The National Wildlife Refuge System (NWRS)**
DU's FY 2014 Request for the NWRS Operations and Maintenance: $499 million

Ducks Unlimited has long supported the National Wildlife Refuge System as a system of publicly-owned lands that are open to all citizens for a variety of outdoor recreation. The NWRS now includes 561 refuges and 38 wetland management districts covering 150 million acres. Hunting is permitted on 380 wildlife refuges, with waterfowl or migratory bird hunting allowed on 307 refuges. There is at least one refuge in each state, and a refuge within an hour's driving distance of most large cities.

Hunters have contributed significantly to the NWRS, and have a vested interest in the operations and maintenance of these lands. Revenue, of which 90 percent comes from hunters, from the sale of Federal Duck Stamps is used to acquire lands or interests in lands for use as migratory bird refuges and waterfowl production areas. Collectively, these Duck Stamp funds have purchased about 2.7 million acres in the Refuge System.

Funding for the NWRS decreased significantly over the last few years. From a high of $503 million in FY 2010, the NWRS has lost more than 10 percent of its funding for operations and maintenance. With continued low levels of funding, the U.S. Fish and Wildlife Service will be forced to close refuges to hunting (29 will remain closed to hunting in 2013 due to the Sequester), reduce workforce numbers, and increase the backlog from its current $3.5 billion.

On behalf of our more than 1 million members and supporters, Ducks Unlimited thanks the Subcommittee for the opportunity to offer comments on the FY 2014 Interior Appropriations bill and we look forward to meeting with you to discuss our requests.

Testimony of the Izaak Walton League of America
Subcommittee on Interior, Environment and Related Agencies

Submitted by Scott Kovarovics, Conservation Director

April 25, 2013

The Izaak Walton League of America appreciates the opportunity to submit testimony for the record concerning appropriations for fiscal year (FY) 2014 for various agencies and programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization with more than 41,000 members and 250 local chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered by the Departments of Agriculture and Interior, Fish and Wildlife Service, U.S. Geological Survey, and Environmental Protection Agency.

Keep FY 2014 Bill Free of Extraneous Policy Provisions

The League strongly urges the Subcommittee not to include or accept any provision in its FY 2014 bill barring the Environmental Protection Agency (EPA) from finalizing and implementing Clean Water Act guidance or proceeding with the formal rulemaking process to revise its clean water regulations. Our organization and other hunting, angling and conservation groups across the country actively opposed similar provisions in previous bills.

Since proposing draft guidance in April 2011, EPA has conducted a nearly unprecedented public engagement process for agency guidance. During this process, EPA and the Army Corps of Engineers held a 90-day public comment period. The agencies received more than 230,000 comments and have publicly reported that 90 percent of individual comments supported the proposal. In mid-February 2012, the Corps and EPA submitted revised guidance to the Office of Management and Budget (OMB) for another round of inter-agency review. This process also allows nongovernmental organizations to meet with OMB to discuss this policy.

Guidance proposed by EPA and the Corps is based on sound science and clearly complies with the Supreme Court decisions in *SWANCC* and *Rapanos*. Allowing EPA to proceed with guidance will partially restore protections for streams flowing to public drinking water supplies for 117 million Americans. It will also begin – but only begin – to restore protections for some wetlands. Healthy wetlands provide essential habitat for waterfowl, fish, and other wildlife, offer cost-effective flood protection, and improve water quality. They also support hunting, angling, and wildlife watching, which together inject $145 billion annually into our economy. Finalizing the guidance will also provide more clarity and certainty about Clean Water Act implementation to landowners, developers, agency personnel, and state and local governments.

Departments of Agriculture and Interior, Land and Water Conservation Fund (LWCF)

The League supports the administration's request for a total of $600 million ($200 million in permanent funding and $400 million in discretionary funding) for the LWCF in FY 2014. It is important to begin to reinvest in strategic land acquisition to protect critical habitat, secure valuable in-holdings, and expand recreational access to existing federal public lands.

Dramatically reducing funding for LWCF will not provide meaningful savings to taxpayers because it is capitalized with revenue from off-shore oil and gas drilling. As importantly, diverting resources from LWCF to offset other expenditures from the general treasury directly undermines the fundamental premise on which LWCF is based. That common sense premise is a portion of the revenue generated by natural resource extraction should be invested in conserving other natural resources at the national, regional, and state levels.

Fish and Wildlife Service, National Wildlife Refuge System Operations and Maintenance

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing approximately 15 million of members and supporters, in supporting the $499 million requested for operations and maintenance of the National Wildlife Refuge system.

The League and CARE groups appreciate the importance of fiscal discipline and making strategic spending decisions. CARE annually develops an estimate of the operations and maintenance budget that is necessary to effectively provide visitor services and law enforcement and conserve and manage fish, wildlife, and habitat across the refuge system. CARE estimates operations and maintenance needs total at least $900 million annually. Although our long-term goal is to make steady progress toward a budget which more accurately reflects demands on the ground, the FY 2014 request balances fiscal responsibility with pressing resource conservation, visitor services, and law enforcement needs.

Fish and Wildlife Service, State and Tribal Wildlife Grants

As a member of the Teaming with Wildlife Coalition, the League urges the Subcommittee to provide at least $61 million in FY 2014 for State and Tribal Wildlife Grants. This amount equals the administration's request and the appropriation for fiscal year 2012. State Wildlife Grants support proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State Wildlife Grants augment state and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. The federal investment leverages significant additional funding from private, state, and local sources.

U.S. Geological Survey, Asian Carp Research and Control

Asian carp pose a serious and potentially devastating threat to the long-term health of the Great Lakes. Asian carp have been steadily migrating north along the Mississippi River and could reach the Great Lakes through a system of canals that artificially connect the Mississippi River and Great Lakes basins. Experts warn invasive carp could devastate the $7 billion commercial and recreational fishery in the Great Lakes. The League supports the U.S. Geological Survey (USGS) request for a $2 million increase to combat Asian carp in the Great Lakes and an additional $1 million to address the threat in the Upper Mississippi River region. In the Upper Mississippi region, the research would focus on improving methods to detect Asian carp populations at low levels and identifying habitats most vulnerable to colonization. In the Great Lakes, research would be directed toward developing methods for oral delivery of fish toxicants,

identifying and developing chemical attractants to aid in targeted removal of carp, and testing seismic technology as a means of restricting the passage of carp through locks and other navigation infrastructure.

The League believes one of the most effective ways to safeguard the Great Lakes from aquatic invasive species is to restore the natural hydrologic separation between the Great Lakes and Mississippi River basins. In the mean time, we support this request, which represents a prudent near-term investment in invasive carp control.

U.S. Geological Survey / Environmental Protection Agency, Hydraulic Fracturing Research and Analysis

The League supports requests by the USGS and Environmental Protection Agency (EPA) for funding to continue and augment research concerning the potential effects of high-volume hydraulic fracturing on water and air quality, surface and groundwater resources, habitat, and fish and wildlife. The League supports responsible development of domestic energy resources, including natural gas, as well as greater emphasis on renewable sources and energy efficiency in order to improve energy independence and security. At the same time, the accelerated use of hydraulic fracturing in the Marcellus region, in particular, continues to outpace our knowledge about potential negative impacts on a wide range of natural resources.

The proposed budget would augment research across a range of issues. For example, the USGS requests approximately $18.6 million for fracturing-related research. With this funding, USGS would prioritize research on water quality and supply, air quality, characterizing gas resources and the related geologic formations, movement of methane gas during the drilling process, and the impacts of fracturing on landscapes, habitat, and other natural resources. EPA is requesting funding to support an on-going EPA study assessing the impacts of hydraulic fracturing on water resources and other applied research in cooperation with USGS and the Department of Energy.

Environmental Protection Agency, Great Lakes Restoration Initiative

The League supports providing $300 million as requested for the Great Lakes Restoration Initiative. The Great Lakes provide drinking water to 35 million people and support jobs and recreational opportunities for millions more. However, the health of the Great Lakes is seriously threatened by untreated sewage, toxic pollution, invasive species, and habitat loss. The eight states that border the Lakes and many non-governmental organizations have invested significant resources to safeguard these national treasures. Sustained federal investment at a significant level is also needed or the problems will only get worse and cost even more to fix.

Cleaning up the Great Lakes will provide many benefits, including economic development in the region. According to the Brookings Institution, Great Lakes restoration efforts produce $2 in economic return for every $1 invested. Restoration projects create jobs for engineers, landscape architects, and construction workers and improve water quality, support outdoor recreation, and reestablish healthy fish and wildlife habitat. These results lay the foundation for long-term prosperity in the region.

Environmental Protection Agency, Non-point Source Management Program (Clean Water Act Section 319)

The League is concerned that Congress and EPA have reduced funding for Section 319, the Non-point Source Management Program. These reductions are counterproductive as EPA and many states report that non-point source pollution is the leading cause of water quality problems, including harmful effects on drinking water supplies, recreation, fisheries and wildlife. Based on the pressing nature of the problem, it makes sense to invest resources that help states and local governments more aggressively tackle non-point source pollution. The League urges the Subcommittee to provide at least the amount requested by EPA for Section 319.

Environmental Protection Agency, Chesapeake Bay Program

The League supports the request for approximately $72.9 million in FY 2014 for the Chesapeake Bay Program. The Chesapeake Bay is the largest estuary in the United States and one of the largest in the world. More than 16 million people live within the Bay watershed. The Bay is a critical economic, environmental, and recreational resource for these residents and the nation as a whole. However, the productivity and health of this nationally significant resource remain seriously impaired by nutrient pollution from multiple sources throughout the watershed.

The EPA and states have launched a significant and rigorous effort to cut pollution and improve water quality. Few would argue that implementing the total maximum daily load (TMDL) will not be challenging or not require significant investment to reduce point and non-point source pollution. However, EPA is requesting additional funds, in part, to support states, local governments, and other partners as they begin implementing the TMDL. The League believes it is essential to provide technical and financial assistance to achieve results on-the-ground and lay the foundation for sustained pollution reductions over the long-term.

The Izaak Walton League appreciates the opportunity to testify about these important issues.

Testimony in Support of FY2014 Funding for the National Endowment for the Arts Submitted to the House Interior, Environment, and Related Agencies Appropriations Subcommittee

Jesse Rosen, President and CEO
League of American Orchestras
April 24, 2013

The League of American Orchestras urges the House Interior, Environment, and Related Agencies Appropriations Subcommittee to approve Fiscal Year 2014 funding for the National Endowment for the Arts (NEA) at a level of $155 million. We ask Congress to continue supporting the important work of this ageney, which increases public access to the arts, nurtures cultural diversity, promotes the creation of new artistic works, and cultivates a sense of cultural and historie pride, all while supporting millions of jobs in communities nationwide.

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 800 orchestras runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles. Orchestras unite people through creativity and artistry, fuel local economies and civic vitality, and educate young people and adults.

Throughout the nation, persistent economic challenges beset nonprofit arts organizations; therefore, the award of a notably competitive NEA grant continues to be a compelling boost to an orchestra's pursuit of funding from other sources. Indeed, a grant from the NEA has long been recognized as a mark of public value and national artistic significance, and the distinction of presenting these nationally recognized programs is enjoyed by communities large and small. In Fiscal Year 2013, the NEA's Grants to Organizations included 100 direct grants to orchestras, and continued funding for the agency will support orchestras' ability to serve the public. The NEA promotes creation, engagement, livability, and learning in the arts through *Art Works*—the major support category for organizations—and the *Challenge America: Reaching Every Community* grant program, as well as through vital Federal/State partnerships.

In addition to educating and engaging people of all ages, fueling local economies, and attracting new business development, orchestras connect people and cultures in a uniquely powerful way. The League is committed to helping our members engage with their communities, and the NEA plays an invaluable leadership role through its direct grants, strategic initiatives, and research on trends in public participation and workforce development.

NEA Funding Increases Public Access to Live Cultural Experiences

The NEA, together with the organizations it helps support, is dedicated to improving public access to the arts. For example, the **Portland Symphony Orchestra** (PSO), which employs ten full-time and five part-time staff, along with 86 musicians, received an NEA grant in FY09 that supported a program featuring the performance of *Sabar: Concerto for Senegalese Drummers and Orchestra* by James DeMars. This grant allowed the PSO to offer a lecture at the Museum of African Culture in Portland with Music Director Robert Moody, guest Senegalese drummer Mark Sunkett, and Museum Director Oscar Mokeme, as well as an in-school performance and presentation at King Middle School, which serves the most racially, ethnically, and economically diverse neighborhoods in Maine. Twenty-six percent of the school's nearly 500 students speak a primary language that is not English. The centerpiece performance attracted the second highest attendance for a PSO Classical Concert during the 2008-09 season, and the concert allowed the PSO to serve the people of Southern Maine by increasing their knowledge of, appreciation for, and understanding of West African music and culture by presenting it in the context of similar dance and cultural influences in the music of Bartok.

The rural isolation of the Walla Walla, Washington region poses challenges to its local cultural arts organizations, but the **Walla Walla Symphony**, with just two full-time and five part-time staff, roughly 60 musicians, and more than 35 volunteers nonetheless finds a way to offer a year-round, intensive complement of musical and educational experiences—often at free or low-cost. The region's population has a low median income, with more than half of area youth qualifying for the Federal Free/Reduced Lunch program, and every school in the district failed to meet No Child Left Behind progress requirements in 2011. A lack of resources in the schools has made it all the more important for area arts organizations to serve as partners to the schools. With an FY13 Challenge America grant from the NEA, the Walla Walla Symphony will bring guest artists PROJECT Trio to a community that has expressed an ongoing interest in compelling guest artist performances, high-quality symphonic music, and music education resources and opportunities for its children. During its four-day residency, PROJECT Trio will collaborate with symphony musicians to offer four musical events to the public: they will appear in an Educational Family Concert, offer a solo Trio performance, appear in a full symphonic concert, and provide educational programs at local schools.

Another recipient of Challenge America support, the **Tulsa Symphony Orchestra**, a musician-led orchestra with five full-time and seven part-time staff and a musician pool of 140, organized two days of string workshops and clinic sessions for area students, teachers, and musicians with visiting guest violin and teaching artists Mark O'Connor and Kelly Hall-Tompkins. The sessions preceded a concert and were hosted by Will Rogers High School and the University of Tulsa. More than 95% of the students participating were from underserved Title I schools and the NEA grant provided much-needed transportation to the workshop sites. This component of support is often overlooked and yet it meets a specific, acute need that would otherwise have prevented Will Rogers students from being able to learn from these artists. In addition to making the workshops possible, the NEA grant also allowed the Tulsa Symphony to provide tickets to 400

economically disadvantaged students to attend an evening concert featuring these same guest artists at the Tulsa Performing Arts Center.

NEA Grants Help Orchestras Educate and Engage America's Youth

NEA support helps bring disparate communities together through the experience of live music, and it also provides a creative means to focus on educating and encouraging young people in their musical and academic endeavors. In June 2012, the **Alexandria Symphony Orchestra**'s (ASO) "Music Makes a Difference" program engaged more than 3,600 students in a hands-on arts education program. The orchestra partnered with three Alexandria City Public Schools (ACPS) to create and deliver an integrated music, art, and astronomy unit based on Virginia Standards of Learning for elementary school students. The unit culminated in three side-by-side performances of Gustav Holst's *The Planets,* performed by both ASO professional musicians and ACPS middle school students. During the concerts, elementary students' artwork based on their astronomy lessons was projected on stage to further reinforce science concepts. ASO was able to offer this kind of innovative program thanks to NEA support and its dedicated four full-time and two part-time staff members, 250 part-time musicians, and 40 volunteers.

The **El Paso Symphony Youth Orchestras** (EPSYOs) similarly utilized NEA funding to foster the musical and academic achievement of more than 270 students from throughout the region through four distinct ensembles based on age and skill levels. These ensembles include the El Paso Youth Orchestra, the El Paso Symphony Youth String Ensembles, the El Paso Youth Symphonic, and the El Paso Youth String Philharmonic. In addition to the musical instruction these students receive, such as weekly rehearsals, master classes, clinics, and performances, they also develop study skills, self-esteem, confidence, and determination that crosses over into their academic work as well. In fact, 100% of all high school seniors participating in the EPSYO program since its inception six years ago have gone on to seek a higher education at universities and colleges throughout the United States. Although most of these youth orchestra alumni are not pursuing a music degree, almost all of them credit their involvement with the EPSYOs for their desire and ability to apply to these programs. Furthermore, many of these students are low-income and in addition to receiving financial aid for EPSYOs tuition during their involvement, many of them also received higher education scholarships due to their involvement with the EPSYOs program and its clinicians and master class presenters.

Like El Paso, the Heart of Los Angeles affords valuable opportunities to economically disadvantaged children. An FY13 NEA Arts Works grant supports the **Youth Orchestra Los Angeles** at Heart of Los Angeles (YOLA at HOLA) program. Implemented in partnership with the Los Angeles Philharmonic, which employs 107 full-time musicians, 133 full-time administrative staff members and 1,814 part-time and seasonal workers, YOLA at HOLA provides 240 children in the underserved Rampart District with free afterschool instrumental instruction, ensemble performance opportunities and academic support 15-17 hours per week for 48 weeks out of the year. YOLA at HOLA students have the opportunity to participate in both large orchestral and small group ensembles, service learning projects, and student leadership committees. The program's young musicians have participated in public performances in

community venues throughout Los Angeles, including the nationally-renowned Hollywood Bowl and Walt Disney Concert Hall, reaching more than 20,000 listeners. A music learning program with an emphasis on community-building, YOLA at HOLA also provides families with access to social service support, adult music learning opportunities and parenting workshops.

NEA Funding Encourages New Works and Local Artistry

NEA grants to orchestras help support the creative initiatives of American composers and musicians, many of whom share the agency's dedication to developing young audiences. **The Cleveland Orchestra** and its 236 full-time staff members will use its FY13 Art Works grant to host a week-long residency at Severance Hall featuring a newly-commissioned orchestral work by young American composer Sean Shepherd. From April 16th through April 21st, The Cleveland Orchestra is premiering Sean Shepherd's commissioned work, and Mr. Shepherd is participating in numerous educational activities that will inspire students of all ages in northeast Ohio. His residency encompasses master classes, in-school visits, lectures, chamber concerts, concert previews, and rehearsals throughout the community. Students from four local high schools and universities will be given the opportunity to discuss the composition process and ways to bring creative musical ideas to life, and students will also receive feedback from Mr. Shepherd on their own compositions. The Cleveland Orchestra and conductor Franz Welser-Möst will premiere Sean Shepherd's work in concerts at Severance Hall in Cleveland's University Circle district on April 18, 20, and 21. Thanks to the NEA's support, approximately 7,000 students and adult community members in northeast Ohio will interact with this art and the variety of related educational programming. Mr. Shepherd's residency exemplifies the orchestra's commitment to providing opportunities for the next generation of composers to create new work while mentoring and developing wide-ranging, multifaceted relationships with young composers, as well as engaging audiences of all ages in the classical music art form.

Thank you for this opportunity to convey the tremendous value of NEA support for orchestras and communities across the nation. These are but a sampling of the innovative compositions, thoughtful programming for underserved regions and populations, and lifelong learning opportunities orchestras provide in service to adults and children from all walks of life. The Endowment's unique ability to provide a national forum to promote excellence and engagement through high standards for artistic products and the highest expectation of accessibility remains one of the strongest arguments for a federal role in support of the arts. We urge you to support creativity and access to the arts by approving $155 million in funding for the National Endowment for the Arts.

Gloria Linnertz
Radon Advocate and Activist
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My heart is crying. The EPA zero budget FY2014 for radon will stop the outreach by the states, close the state radon programs, and increase the risk of radon-induced lung cancer due to lack of knowledge by our citizens. I am asking for the previous budget of $12 million not only be reinstated but increased to $20 million because of the seriousness of radioactive radon gas exposure resulting in up to 22,000 deaths or greater each year.

The reasoning behind this elimination of funding to the radon program was based on redundant funding which is not true. The state programs cannot operate without the assistance from the federal government and get no other assistance. Effective and committed personnel who have been successful in educating the public are facing a loss of jobs, state programs are being closed, and ultimately lives will be lost because of the public's ignorance of the danger of radioactive radon gas.

Since my husband's death from radon-induced lung cancer, I've devoted my life to radon awareness, education, and action; and I'm asking you for help.
A few years before my husband's lung cancer diagnosis, he asked me if we should check our home for radon gas. I said "No, our home is only 20 years old and we have a tight basement." I was very confident in my ignorance, for I didn't know that radioactive radon gas can be in any type of home, old, new, basement, no basement, crawl space or slab on grade. I didn't know that the tighter the home, the greater the possibility of high levels of radon, so we didn't test. My husband Joe lived only six weeks after his lung cancer diagnosis and never knew that we had been living with over four times the EPA action level of radon for 18 years.

According to a recent survey 88% of the nation's population doesn't know that radon gas is the leading cause of lung cancer in nonsmokers or the leading environmental cause of cancer mortality. Lung cancer is the leading cancer killer of all cancers. Most lung cancer patients are not diagnosed until this demon is in its final stages; there is only a 2-4% five-year survivor rate for late stage lung cancer.

Most people are completely unaware if there is a presence of elevated radioactive radon gas in their home or not. The only way to know is to test and few people have done that. What a simple life-saving solution—if we had only known.

The amount of funding to these programs is minuscule compared to other programs that don't even have the public's safety at stake. I ask you to change your direction and to think of the lives of our citizens before closing the door to a program that was saving lives.

Source: "Americans in the Dark About Lung Cancer." National Lung Cancer Partnership. 2011. http://www.nationallungcancerpartnership.org/news-center/press-releases/in-the-dark.

April 25, 2013

John Alexander, Executive Director
M.A.C.T. Health Board, Inc.
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Submitted to the House and the Senate Appropriations Subcommittees on
Interior, Environment and Related Agencies
Regarding the FY 2014 Indian Health Service Budget

On behalf of the M.A.C.T. Health Board, Inc. ("MACT"), a tribal organization providing health care services to Indian beneficiaries living in a rural four-county area (Mariposa, Amador, Calaveras, and Tuolumne Counties) in central California, I submit this testimony regarding the FY 2014 Indian Health Service (IHS) budget. Our requests are that Congress:

- Reject the Administration's attempt to eliminate contract support cost (CSC) shortfall recovery by specifying in the appropriations bill capped amounts for individual Self-Determination contracts.

- Fully fund Indian Health Service (IHS) CSC at $617 million, an amount $140 million over the President's FY 2014 budget request.

MACT has provided health care services to tribal members, their families, and other community members since 1969, when it opened the Tuolumne Rural Indian Health Center. Since that time, we have opened clinics in Sonora, Jackson, San Andreas, and Mariposa to serve patients in the Central Sierras. Until March 31, 2013, MACT provided health care services to eligible Indian beneficiaries in its four-county service area pursuant to a subcontract with the California Rural Indian Health Board, Inc. (CRIHB), which maintained a self-determination contract with the Indian Health Service (IHS) under the Indian Self-Determination and Education Assistance Act (ISDEAA). During this period, MACT developed nine clinic facilities in various locations, which MACT operates to effectively serve the Indian population in this large and remote service area. We have also expanded our services to include medical, dental, outreach, behavioral health, substance abuse, and diabetic telehealth programs. We currently serve 3,325 Indian beneficiaries.

It Is Likely that MACT Will Be Paid No Indirect CSC if Contractor-by-Contractor "Caps" Are Implemented as Proposed by the Administration.

MACT objects to the Administration's proposal to cap CSC for individual self-determination contractors. Exactly how the Administration's proposed individual CSC cap would be implemented is not altogether clear, but it appears that the impact of such

caps on MACT will be particularly dramatic because of its status as a new contractor in FY 2013 that will be paid only a small portion of its CSC entitlement in the first year of the contract. I provide some background on our unique circumstances below.

Prior to FY 2013, MACT provided health care services through a subcontract with CRIHB. CRIHB's self-determination contract with IHS explicitly stated that CRIHB would provide health care services in to the eligible population in MACT's four-county service area through a subcontract with MACT. The subcontract between MACT and CRIHB described the scope of the services to be provided by MACT by references to the scope of work described in CRIHB's ISDEAA contract. As a subcontractor of CRIHB, MACT received the program funds associated with the services provided by MACT and a portion of both the indirect and direct CSC, which CRIHB received from the IHS for the services provided by MACT. Under its last contract with IHS, CRIHB received approximately $55,000 in direct CSC and $850,000 in indirect CSC associated with the MACT program.

In 2012 MACT determined that it would be able to better serve the eligible population within its service area by contracting directly with IHS. MACT's last subcontract with CRIHB expired on March 31, 2013, the same date that CRIHB's self-determination contract with IHS expired. On December 28, 2012 MACT submitted a proposal to contract directly with IHS pursuant to Title I of the ISDEAA, effective April 1, 2013, to provide the same services it provided as a subcontractor. MACT's current contract became effective on April 1, 2013. Under its new contract, MACT provides services to the same eligible Indian population in the same service area that it previously provided as CRIHB's subcontractor. MACT also operates the same clinic facilities it previously operated as a subcontractor of CRIHB.

Under the contract, MACT receives the program funding associated with the services provided by MACT directly from the IHS. MACT is also entitled under the ISDEAA to be paid both indirect and direct CSC associated with these services. When MACT provided these services through a subcontract with CRIHB, CRIHB paid a portion of the indirect and direct CSC it received from IHS to MACT.

Under existing IHS policy, upon MACT's withdrawal from CRIHB, CRIHB was required to return the total amount of direct CSC IHS paid for MACT's subcontract to IHS so that those funds could be included in MACT's new contract. The policy does not, however, require CRIHB to return any portion of the indirect CSC associated with MACT's program to IHS if CRIHB is not funded at 100% of its overall CSC need. As a result, unless CRIHB voluntarily agrees to return the indirect CSC to IHS, the agency cannot unilaterally reduce CRIHB's indirect CSC amount to pass on to MACT, even though part of that funding was based on the services which CRIHB is no longer providing through MACT.

In previous years, when a subcontractor pulled out of CRIHB and entered into an ISDEAA agreement directly with IHS, CRIHB voluntarily agreed to pass on the portion of indirect CSC associated with the services that were removed from CRIHB's contract.

In the case of MACT's withdrawal, however, CRIHB has refused to return *any* indirect CSC back to IHS. MACT and IHS are still completing negotiations on the exact amount of direct and indirect CSC that IHS will transfer to MACT under the contract, but given CRIHB's position, it is likely that IHS will only able to pay MACT direct CSC, or approximately $55,000, once final numbers have been established. It is also likely that no indirect CSC – or the approximately $850,000 that CRIHB was paid in FY 2012 associated with MACT's subcontract – will be paid. The indirect CSC that are not paid to MACT will be added to the IHS shortfall lists and will not be paid, unless Congress appropriates sufficient new CSC to pay MACT and all other tribal contractors full CSC entitlements, an unlikely scenario based on the President's budget proposal.

As a result of this situation, while MACT is entitled under the ISDEAA to be paid its full indirect and direct CSC, in 2013 IHS will most likely only pay a small fraction of the full amount. If, as is a possible reading of the Administration's unclear proposal, the amount of CSC that MACT was paid in FY 2013 becomes the amount that is capped in 2014, there will be no new CSC funds available in the budget to pay MACT any indirect CSC. Because of this unique situation, MACT could never be paid any indirect CSC funds and only a portion of its direct CSC funds in its 2014 ISDEAA agreement, unless Congress makes a special exception for MACT if it implements the President's proposal. In contrast, under current law, while MACT will not be paid for indirect CSC in FY 2013 up front by the IHS, under the *Salazar v. Ramah Navajo Chapter*, 132 S.Ct. 2181 (2012) decision, MACT retains the right to file a Contract Disputes Act claim to recover its full CSC entitlement – including its share of the indirect CSC that CRIHB has to date refused to return to the IHS - that the ISDEAA contemplates tribal contractors will be paid.

This result – which is caused by the IHS CSC policy and the lack of full CSC funding – is punitive and unfair. A tribal organization should not be so severely punished for directly contracting with IHS under the ISDEAA. We urge Congress to reject the Administration's request to impose a cap. If, however, Congress adopts the Administration's proposal to cap CSC on a contract-by-contractor basis, due to MACT's unique situation, we request that the Committee exempt MACT from the Administration's proposal and provide that MACT receive full CSC funding in accordance the ISDEAA in FY 2014.

Congress Should Fully Fund Contract Support Costs and Reject the Administration's Attempt to Cap CSC per Individual Contract.

MACT's unique situation aside, we urge the Committees to provide full funding of CSC due tribal contractors. IHS has a duty to fully fund the CSC that cover the administrative and overhead portions of the programs MACT has contracted to carry out. We are grateful for recent increases in CSC, but there is still a ways to go to meet the true need. Unfortunately, the President's proposed budget would continue the underfunding of CSC, crippling all contractors' ability to operate their programs as intended.

The President proposes that IHS receive $477,205,000 for CSC in FY 2014. This amount is far below the estimated need of $617 million. While Congress has in the past

appropriated additional funding for CSC owed to tribes and tribal organizations under applicable law, those additional appropriated funds are not enough to eliminate the ongoing shortfall of CSC. As a result, tribes and tribal organizations continue to endure significant financial restrictions that translate into less health care for our patients.

These shortfalls force contractors to transfer funds intended to provide health services into operational and administrative accounts that keep our programs running. For too long, the government has treated tribal contractors differently from other government contractors with regard to CSC payment. The Supreme Court ruled this disparity is unjustified in *Salazar v. Ramah Navajo Chapter*, and held the government liable for failing to pay full CSC to tribal contractors in past years. *Id.*

In an attempt to skirt this responsibility, the Administration proposes to limit CSC payments to tribal contractors by submitting a list of contractors to the House and Senate Appropriations Committees, with recommended individual appropriations for each contractor, as mentioned above. How the proposal will be implemented is unclear. For example, when would the list be compiled: before the President's budget is proposed or after the appropriations has been enacted? Implementation of the proposal appears to us not only untenable and unwieldy; it is also unjust.

We are further concerned that the Administration has made no effort to include tribes in the process of preparing the proposed CSC funding levels. While the President's proposal says this new effort is part of the "longstanding policy of managing CSC costs," tribal contractors know that this means saddling us with chronic CSC shortfalls year after year. These shortfalls are an effective penalty for engaging in self-determination or self-governance contracting. Both the annual underfunding and the Administration's misguided proposal for FY 2014 are contrary to the stated policy of both the Congress and the Administration to encourage tribal self-determination. The simplest and most fair answer is to fully fund tribal contractors' CSC. We urge the Congress to reject the President's proposal outright, and fully fund IHS contract support costs at $617 million.

Conclusion

MACT is a newly independent tribal contractor, and, in this new capacity, it will continue provide the best, most responsive and accountable services our patients have ever received. We are very concerned, however, that the President's proposal will impose a CSC payment system that will disproportionally and unfairly impact MACT's right to be paid full CSC funding under the ISDEAA. This, in turn, will severely impact MACT's ability to provide desperately needed health services to our patients. We urge Congress to reject the Administration's proposal and instead fully fund all tribes' CSC needs. If Congress decides to implement the Administration's proposal we urge that MACT be exempted from the negative impacts of the proposal.

Thank you for our consideration, and I will be glad to provide any additional information the Committees may request.

COUNCIL ANNETTE ISLANDS RESERVE

April 12, 2013

VICTOR C. WELLINGTON, SR., MAYOR
DIANA M. YLINIEMI, SECRETARY
NATHAN W. FAWCETT, TREASURER

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Honorable Victor C. Wellington, Sr., Mayor

Testimony submitted to the House and the Senate Appropriations Subcommittees
on Interior, Environment and Related Agencies

Regarding the FY 2014 Budget

The requests of the Metlakatla Indian Community (Tribe) for the FY 2014 budget are as follows:

- Exempt the IHS from any future sequestration, as Congress has done for the Veterans Health Administration programs.
- Appropriate enough funds to allow IHS to fully fund all contract support costs (CSC). We estimate this would require $617 million, which is $140 million over the Administration's proposed level. We also ask that the Committees direct the IHS to immediately release the outstanding FY 2011 and FY 2012 CSC shortfall reports.
- Provide full funding for BIA CSC, at a level of $242 million, $12 million more than the President's proposal.
- Reject the Administration's proposal to cap CSC on a contractor-by-contractor basis.

* * *

The Tribe's Annette Island Service Unit offers primary comprehensive outpatient health care services to Alaska Natives and American Indians living in Metlakatla, Alaska. The mission of the Annette Island Service Unit is to provide the highest quality health service for our people. We have a long-standing commitment to excellent health care and support for our patients, and we are proud to uphold a high standard of quality as we strive to address the health needs of our island population. We provide primary health services at our outpatient facility in Metlakatla through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under the Indian Self-Determination and Education Assistance Act (ISDEAA).

Sequestration. The Office of Management and Budget determined that the IHS's discretionary appropriation is fully sequestrable, which resulted in a $220 million cut in funding to the IHS for FY 2013 – roughly 5% of the IHS's overall budget. IHS lost $195 million for programs like hospitals and health clinics services, contract health services, dental services, mental health and alcohol and substance abuse. Impacts are also felt on programs and projects necessary for maintenance and improvement of health facilities. These negative effects are then passed down to every ISDEAA contractor, like the Tribe. The Tribe is already significantly underfunded, resulting in further cuts to the availability of health services we are able to provide to our patients, resulting in real consequences for individuals who have to forego needed care.

We suffer these reductions and experience these new challenges to providing health care for our people, despite the United States' trust responsibility for the health of Alaska Native and American Indian people. We fail to understand why this responsibility was taken less seriously than the Nation's promises to provide health to our veterans. The Veterans Health Administration (VA) was made fully exempt from the sequester for all programs administered by the VA. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). Also exempt are state Medicaid grants, and Medicare payments are held harmless except for a 2% reduction for administration of the program. We thus strongly urge the Committee to support an amendment to the BBEDCA to fully exempt the IHS from any future sequestration, just as the VA's health programs are exempt.

Contract Support Costs (CSC) Need Full Funding.

Indian Health Service CSC Shortfalls. Congress's additional appropriations for CSC are greatly appreciated, but the appropriated funds remain far below what is needed to fully fund all of the CSC owed to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act and federal case law. These ongoing shortfalls of CSC continue to impose significant hardships on the Tribe and its patients. We ask the Committees to push for full funding of CSC so that the shortfalls can be eliminated. While it is difficult to estimate the full CSC need for FY 2014—in part because the IHS refuses to release its CSC distribution data for the last two years, as discussed further below—projections from FY 2010 have led us to estimate that the total need in FY 2014 is $617 million. This requires an appropriation of an additional $146 million over the FY 2012 enacted level.

We also ask the Committees to address the "caps" that Congress has for years placed in the IHS's appropriations on the amount of CSC the IHS could pay for aggregate CSC. Section 106(a)(2) of the ISDEAA requires full payment of CSC, notwithstanding the appropriations "cap." The effect of the "cap" does not limit what the IHS must pay individual tribes and tribal organizations for CSC under their ISDEAA contracts and compacts. *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181 (2012). In the *Ramah* decision, the United States Supreme Court recognizes that the ISDEAA requires payment of full CSC to all contractors, yet in every year at issue Congress failed to appropriate enough for the agencies to do so.

In a misguided attempt to address these shortfalls the Administration proposes to limit CSC payments by submitting a list of contractors to the House and Senate Appropriations Committees, with recommended, individual appropriations for each contractor. This proposed

system is not only untenable and unwieldy; it is also unjust. The Administration has proven itself incapable of properly accounting for contract support costs, and we have no indication the agencies will include contractors in this process to ensure the lists reflect contractors' needs. The simplest and most fair answer is to fully fund tribal contractors' CSC.

We urge the Congress to reject the President's proposal outright, and fully fund IHS contract support costs at $617 million.

Bureau of Indian Affairs CSC Shortfalls. The President proposes $230 million for Bureau of Indian Affairs contract support costs. This amount is closer to the estimated full need of $242 million than the IHS proposal, but we ask that Congress fully fund the BIA's CSC as well.

The President's proposal to limit CSC funding via contractor-by-contractor caps applies to the BIA as well. Again, we strongly reject this effort, particularly because the Administration has made no effort to include tribes and tribal contractors in the process of preparing the proposed CSC tables. While the President's proposal says this new effort is part of the "longstanding policy of managing CSC costs," tribes know that this means saddling contractors with chronic CSC shortfalls like the Tribe experiences year after year. These shortfalls are an effective penalty for engaging in self-determination or self-governance contracting. Both the annual underfunding and the Administration's misguided proposal for FY 2014 are contrary to the stated policy of both the Congress and the Administration to encourage tribal self-determination.

We urge the Committee instead to fully fund the BIA contract support costs at $242 million, which will erase the need for the Administration's contortionist proposal to handle CSC shortfalls.

IHS Must Release CSC Shortfall Reports. The Tribe is concerned about the IHS's failure to provide CSC shortfall reports to Congress for FYs 2011 and 2012. These shortfall reports are required to be submitted not later than May 15 of each year by Section 106(c) of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 450j-1(c). While we understand that the IHS may sometimes need additional time to prepare the reports and review them through their own administrative processes, the Tribe nevertheless believes that the IHS must share the CSC distribution data as soon as possible.

The Tribe and other co-signers to the Alaska Tribal Health Compact recently asked the IHS to share the CSC distribution data for those years.. Access to the CSC shortfall data, if not the reports themselves, is critical to our ability to understand the IHS's view of the scope of underfunding and to pursue payment of 100% of the CSC to which the Tribe is legally entitled. The IHS has repeatedly refused to make the reports or data available, most recently in March of this year at a meeting with the IHS Area Lead Negotiator for the Alaska Area. We thus ask that the Committees direct the IHS to immediately release the FYs 2011 and 2012 CSC shortfall reports—and all future reports—in a timely manner.

* * *

Thank you for your consideration of our requests to fully exempt IHS funds from any future budget sequestration, to eliminate the chronic underfunding of CSC for the BIA and IHS, protect tribes from the Administration's proposal to cap CSC payments, and to direct the IHS to release the CSC shortfall data from FYs 2011 and 2012. We will be glad to provide any additional information the Committees may request.

WRITTEN TESTIMONY SUBMITTED BY MARGIE LYNCH TO

THE HOUSE APPROPRIATIONS COMMITTEE

Please fund the Environmental Protection Agency's FY2014 state radon programs budget in an amount of $20 million so that tens of thousands of Americans avoid the fate of my mother, Jean Lynch, who was diagnosed with lung cancer in September 2010 and died eight months later. Mom was a former smoker, so the lung cancer diagnosis wasn't a total surprise. But she had quit almost 25 years ago. It just seemed sad that the sacrifice she'd made in quitting smoking didn't pay off. Several months after my mother died I learned that another culprit—radon gas—might have been responsible for her death.

The fall after she died, my brotbers and I began the sad process of selling her beautiful home, a home she had lovingly designed herself and was built in 1999 to high quality construction standards. It truly was her dream home and she spent many hours there entertaining her children and grandchildren and friends, hosting guests at her bed and breakfast business, cooking, knitting, reading, and enjoying life. At the suggestion of their home inspector the buyers of the home did a thorough home inspection, one that included a test for radon gas. They reported to us that the level of radon was kind of high. I asked for the results, having no idea what any sort of radon measurement would look like. I saw the number and took to the internet. I quickly discovered that the level measured in her basement, 19.1 picoCuries/Liter, was almost 5 times the 4 pCi/L level at which EPA recommends action to mitigate radon's effects.

My mother, like many other Americans, was unaware that a radon test of her home was so important to her health. And that's why it's important that the Environmental Protection Agency receive funds in its FY2014 budget to fund state radon programs. These programs play an instrumental role in educating homeowners, builders, realtors, and others about radon hazards and mitigation. Raising awareness with the programs receiving federal funding is already an uphill battle. If federal funding were to stop, I fear many states would not replace the funding and a tough challenge will become even tougher.

I recognize that this Committee faces a large number of funding priorities. With an estimated 21,000 people each year dying from radon-induced lung cancer, I would hope that funding the state radon programs would be among the highest and encourage you to include it.

Thank you for your consideration.

Margie Lynch

27 Boxboro Rd.

Stow, MA 01775

PNFHPC Pacific Northwest Fish Health Protection Committee

April 22, 2013

The Honorable Mike Simpson
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
2312 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Sub-Committee Members:

I am writing to you on behalf of the Pacific Northwest Fish Health Protection Committee (PNFHPC). The PNFHPC was formed in 1984 and is a consortium of representatives from natural resource management agencies including Treaty Tribes and commercial fish producers from the Pacific Northwest. The committee is a forum, operating on a consensus basis to discuss and resolve fish health issues, to disseminate research findings/educational material and to communicate openly on all matters as they relate to the production of healthy wild and cultured fish. Members within the PNFHPC include representatives from Alaska, California, Idaho, Montana, Oregon and Washington, USFWS, NOAA-Fisheries, Pacific Northwest Tribes, the private fish production sector, with observers from British Columbia, Canada and valuable participation from educational institutions, private and public research laboratories, resource managers and conservation groups within the Pacific Northwest and other regions.

The PNFHPC wishes to express their serious concern regarding the FY 2014 President's Budget that proposes a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. AADAP serves a unique and necessary federal role in aquaculture drug approvals, and exemplifies the U.S. Fish and Wildlife's stated principles of leadership, sound science, and fulfilling its partners' needs.

U.S. aquaculture is worth more $1 billion annually, and U.S. aquaculture farms employ more than 10,500 Americans with a payroll of nearly $169 million. The FAO estimates that for every person directly employed in the fisheries and aquaculture sector, 3 - 4 additional jobs are supported indirectly in related industries. The aquaculture jobs sector is growing and providing food security and jobs throughout the world. Without a strong and growing aquaculture industry, the U.S. faces an increasingly insecure seafood supply: 86% of seafood consumed in the U.S. is imported, creating a seafood deficit of over $10.4 billion annually.

The mission of PNFHPC, in part, is to provide a unified regional forum for fish health issues sa they relate to aquaculture. The aquaculture industry is subject to numerous regulatory burdens, including the U.S. Food and Drug Administration's regulation of aquatic animal drugs needed to ensure the health and well-being of farmed fish, as well as food safety. The market for

PNFHPC John Kerwin, Executive Secretary 600 Capitol Way North Olympia, WA 98504

aquaculture drugs offers pharmaceutical companies little return on investment, and the aquaculture industry relies on public partners for access to these tools. The AADAP program coordinates the efforts of numerous stakeholders, including members of the PNFHPC, to secure aquaculture drug approvals, and aids public and private fish culture operations by allowing for monitored, legal access to drugs in development. AADAP is one of the few federal programs providing needed support to an industry which faces significant and unique challenges related to animal health and risk management.

The PNFHPC recognizes the challenges of the current fiscal climate, but loss of leadership and capacity within the AADAP program will prevent public and private fish culture operations from accessing the tools they need to provide the American public with safe, wholesome seafood. The proposed reductions will effectively terminate the AADAP research program. Without this program the finfish aquaculture drug approval process in the U.S. will be halted. We strongly encourage you to fully support the AADAP program at a funding level of $1.2 million and ensure the current and future needs of commercial aquaculture continue to be met. Thank you for your consideration of our position.

Sincerely and respectfully,

Ken Staigmiller
Chair, PNFHPC

PNFHPC John Kerwin, Executive Secretary 600 Capitol Way North Olympia, WA 98504

Office of the Tribal Chief Phyliss J. Anderson
101 Industrial Road • Post Office Box 6010 • Choctaw, Mississippi 39350
Phone: (601) 656-5251 • Fax: (601) 656-7333

Testimony Submitted by
Tribal Chief Phyliss J. Anderson
Mississippi Band of Choctaw Indians
To the House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
April 24 and 25, 2013 (American Indian/Alaska Native programs)

Submitted via E-mail: INApprop.Detailee@mail.house.gov

Dear Honorable Chairman Michael K. Simpson:

As Tribal Chief of the Mississippi Band of Choctaw Indians, I am writing to urge you and the other Members of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to fully fund the Family and Child Education (FACE) program, which is included in the Early Childhood Learning line item in the Interior Appropriations bill. The program is successful, culturally appropriate, and helps lift our families out of poverty. Implemented in 1990 by the BIE (then BIA), FACE is an evidence-based and research-driven early childhood/family engagement program for American Indian/Alaska Native communities. FACE supports the goals of the No Child Left Behind Act and the BIE mission "*...to provide quality education opportunities from early childhood through life in accordance with the Tribe's needs for cultural and economic well-being in keeping with the wide diversity of Indian Tribes and Alaska Native person, taking into account the spiritual, mental, physical and cultural aspects of the person within a family and Tribal or Alaska Native village context.*"

For 23 years, FACE has worked with families with children from prenatal to age 5 by providing home- and center-based early childhood education, assisting parents with adult education and parenting skills. The program currently operates in 46 locations in 11 states. In PY11, FACE served 2,585 adults and 2,481 children from 2,027 families; almost 40% of parent educators were also FACE participants prior to their employment with the program.

Both the *home-based* and *center-based* components are essential to provide personal visits, monthly FACE family group meetings, screenings for healthy child development, and referrals to schools and community services. Employing local Tribal members, the program integrates Native language and culture into many home visits, and 95% of the parent educators

are American Indian/Alaska Native. FACE parents learn how to succeed as their children's first teachers, enhance their literacy skills, and receive help to obtain their GED.

The Mississippi Band of Choctaw Indians' FACE program, operating successfully for almost 20 years, is extremely valuable to our rural Tribal communities, and we respectfully request that the program be fully funded in the FY14 budget. Thank you for your continuing support of Choctaw education and the healthy development of Choctaw children in Mississippi.

Sincerely,

Chief Phyliss J. Anderson

C: Ms. Willeen Whipple, Parents as Teachers National Center

File

NATIONAL
Aquaculture
ASSOCIATION

April 17, 2013

ATTENTION: House Interior Appropriations Subcommittee

Dear Representatives:

The National Aquaculture Association (NAA) wishes to express their serious concern regarding the FY 2014 President' Budget that proposes a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. We strongly encourage you to reconsider the ramifications of this reduction, and fully support the AADAP program with $950,000 in base funding.

U.S. aquaculture is worth more $1 billion annually[1], and U.S. aquaculture farms employ more than 10,500 Americans and pay nearly $169 million in annual salaries[2]. The FAO estimates that for every person directly employed in the fisheries and aquaculture sector, 3 - 4 additional jobs are supported indirectly in related industries. The aquaculture jobs sector is growing and providing food security and jobs throughout the world[3]. Without a strong and growing aquaculture industry, the U.S. faces an increasingly insecure seafood supply: 86% of seafood consumed in the U.S. is imported, creating a seafood deficit of over $10.4 billion annually[4].

The mission of NAA is, in part, to provide a unified national voice for aquaculture to help ensure that Americans have access to safe, healthy, and sustainable seafood. The industry is subject to numerous regulatory burdens, including the U.S. Food and Drug Administration's regulation of aquatic animal drugs needed to ensure the health and well-being of farmed fish. The market for aquaculture drugs offers pharmaceutical companies little return on investment, and the aquaculture industry relies on public partners for access to these tools. The AADAP program coordinates the efforts of numerous stakeholders to secure aquaculture drug approvals, and aids public and private fish culture operations by allowing for monitored, legal access to drugs in development. AADAP is one of the few federal programs providing needed support to an industry which struggles with significant and unique challenges related to animal health and risk management.

[1] USDA ERS 2012. Aquaculture background. Available here:
http://www.ers.usda.gov/topics/animal-products/aquaculture/background.aspx
[2] USDA 2005 Census of Agriculture Available here:
http://www.agcensus.usda.gov/Publications/2002/Aquaculture/aquacen2005_22.pdf)
[3] FAO 2012 State of World Fisheries and Aquaculture Report. Available here:
http://www.fao.org/docrep/016/i2727e/i2727e.pdf
[4] NMFS NOAA. Aquaculture in the United States. Available here;
http://www.nmfs.noaa.gov/aquaculture/aquaculture_in_us.html

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Website: www.thenaa.net

AADAP serves a unique and necessary federal role in aquaculture drug approvals, and exemplifies the FWS's stated principles of leadership, sound science, and fulfilling its partners' needs. NAA recognizes the challenges of the current fiscal climate, but loss of leadership and capacity within the AADAP program will prevent public and private fish culture operations from accessing the tools they need to provide the American public with safe, wholesome seafood. We encourage you to fully support the AADAP program and ensure the current and future needs of commercial aquaculture continue to be met. Thank you for your consideration of our view.

Sincerely,

Mike Freeze

Mike Freeze
President

Statement of Todd Coffelt, Chief, Mines and Minerals Bureau, Iowa Department of Agriculture and Land Stewardship On Behalf of the National Association of Abandoned Mine Land Programs re the FY 2014 Proposed Budget for the Office of Surface Mining before the House Interior, Environment and Related Agencies Subcommittee – April 25, 2013

My name is Todd Coffelt and I serve as the Chief of the Mines and Minerals Bureau within the Iowa Department of Agriculture and Land Stewardship. I am submitting this statement on behalf of the National Association of Abandoned Mine Land Programs (NAAMLP) for which I currently serve as President. The NAAMLP represents 31 states and tribes with federally approved abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). Title IV of SMCRA was amended in 2006 and significantly changed how state and tribal AML grants are funded. These grants are still based on receipts from a fee on coal production, but beginning in FY 2008, the grants are funded primarily by mandatory appropriations. As a result, the states and tribes should receive $340 million in FY 2014. In its FY 2014 budget, the Office of Surface Mining (OSM) is requesting $273 million for state and tribal AML grants, a reduction of $67 million. OSM's budget also includes three legislative proposals, the first of which would eliminate funding to states and tribes that have "certified" completion of their highest priority abandoned coal reclamation sites; the second of which would return the AML reclamation fee paid by coal operators to pre-2006 levels; and the third of which would establish a hardrock AML fee and accompanying program.

Over the past 30 years, the accomplishments of the states and tribes under the AML program has resulted in tens of thousands of acres of abandoned mine lands having been reclaimed, thousands of mine openings having been closed, and safeguards for people, property and the environment having been put in place. Be assured that states and tribes continue to be committed to address the unabated hazards at both coal and non-coal abandoned mines. We are united in achieving the goals and objectives as set forth by Congress when SMCRA was first enacted – including protecting public health and safety, enhancing the environment, providing employment, and adding to the economies of communities impacted by past coal and noncoal mining.

When passed in 1977, SMCRA set national regulatory and reclamation standards for coal mining. The Act also established a Reclamation Trust Fund to work towards eliminating the innumerable health, safety and environmental problems that existed throughout the Nation from mines that were abandoned prior to the Act. The Fund generates revenue through a fee on current coal production. This fee is collected by OSM and distributed to states and tribes that have federally approved regulatory and AML programs. The promise Congress made in 1977, and with every subsequent amendment to the Act, was that, at a minimum, half the money generated from fees collected by OSM on coal mined within the boundaries of a state or tribe, referred to as "State Share", would be returned for the uses described in Title IV of the Act if the state or tribe assumed responsibility for regulating active coal mining operations pursuant to Title V of SMCRA. The 2006 Amendments clarified the scope of what the State Share funds could be used for and reaffirmed the promise made by Congress in 1977.

If a state or tribe was successful in completing reclamation of abandoned **coal** mines and was able to "certify" under Section 411 of SMCRA[1], then the State Share funds could be used to address a myriad of other abandoned mine issues as authorized by SMCRA and as further defined under each state's or tribe's Abandoned Mine Reclamation Plan, each of which is approved by OSM. Like all abandoned mine reclamation, the work of certified states and tribes eliminates health and safety problems, cleans up the environment, and creates jobs in rural areas impacted by mining. In this regard, the certified states and tribes have been good stewards of the AML funds they receive, especially with regard to addressing dangerous non-coal mines.

The elimination of funding for certified state and tribal AML grants not only breaks the promise of State and Tribal Share funding, but upsets the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished by the 2006 Amendments following more than ten years of discussion and negotiation by all affected parties. The funding reduction is inconsistent with the Administration's stated goals regarding jobs and environmental protection. We therefore respectively ask the Subcommittee to support continued funding for certified states and tribes at the statutorily authorized levels, and turn back any efforts by OSM to amend SMCRA in this regard.[2]

In addition to the $33 million reduction for certified states and tribes, the proposed FY 2014 budget perpetuates the termination of federal funding for the AML emergency program, leaving the states and tribes to rely on funds received through their non-emergency AML grant funds. This contradicts the 2006 amendments, which require the states and tribes to maintain "strict compliance" with the non-emergency funding priorities described in Section 403(a), while leaving Section 410, Emergency Powers, unchanged. Section 410 of SMCRA requires OSM to fund the emergency program using OSM's "discretionary share" under Section (402)(g)(3)(B), which is entirely separate from state and tribal non-emergency AML grant funding under Sections (402)(g)(1), (g)(2), and (g)(5). SMCRA does not provide for states and tribes to administer or fund an AML emergency program from their non-emergency AML grants, although, since 1989, fifteen states have agreed to implement the emergency program *on behalf of OSM contingent upon OSM providing full funding* for the work. As a result, OSM has been able to fulfill their mandated obligation more cost effectively and efficiently.

Regardless of whether a state/tribe or OSM operates the emergency program, only OSM has the authority to "declare" the emergency and clear the way for the expedited procedures to be implemented. In FY 2011, OSM issued guidance to the states that the agency "will no longer declare emergencies." OSM provided no legal or statutory support

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[1] While a certified state or tribe confirms at the time of certification that it has completed all of the coal sites on its current inventory, the certification contemplates that new, formerly unidentified high priority coal AML sites may occur in the future and the state/tribe commits to addressing these sites immediately. All AML states and tribes, including those that are certified, have identified additional previously unknown high priority coal sites as a result of on-going field investigations, new information and features that have been expressed to the surface.

[2] In this regard, we should note that funding to certified states and tribes was already capped at $15 million annually pursuant to an amendment to SMCRA adopted last year as part of the Moving Ahead for Progress in the 21st Century Act (P.L. 112-14).

for its position. Instead, OSM has "transitioned" responsibility for emergencies to the states and tribes with the expectation that they will utilize non-emergency AML funding to address them. OSM will simply "assist the states and tribes with the projects, as needed". Of course, given that OSM has proposed to eliminate all funding for certified states and tribes, it begs the question of how and to what extent OSM will continue to assist these particular states and tribes when emergencies arise.

If Congress continues to allow the elimination of emergency program funding, states and tribes will have to adjust to their new role by setting aside a large portion of their non-emergency AML funds so that they can be prepared for any emergency that may arise. For minimum program states and states with small AML programs, large emergency projects will require the states to redirect all or most of their AML resources to address the emergency, thereby delaying other high-priority reclamation. With the loss of stable emergency program funding, minimum program states will have a difficult, if not impossible, time planning, budgeting, and addressing the abatement of their high priority AML problems. In a worst-case scenario, a minimum program state would not be able to address a costly emergency in a timely fashion, and would have to "save up" multiple years of funding before even initiating the work to abate the emergency, in the meantime ignoring all other high priority work.

It appears from our review of OSM's proposed budget that the agency has abandoned the idea (contained in its last three budget proposals) to revamp the method for allocating state grant funding based on a competitive grant process whereby states and tribes compete for funding based on the findings of an AML "Advisory Council". We are greatly encouraged by this development given its potential to completely upend what has been an effective protocol for distributing state grant moneys based on the priorities set forth by Congress in SMCRA. We are hopeful that this particular idea has been fully put to rest. As we have noted in the past, given the uncertainties and the negative implications for the accomplishment of AML work under Title IV of SMCRA under the proposal, Congress should reject it as being counterproductive to the purposes of SMCRA and an inefficient use of funds.

On a somewhat related matter, there appears to be increasing concern by some in Washington that the states and tribes are not spending the increased AML grant moneys that they have received under the 2006 Amendments in a more expeditious manner, thus resulting in what the Administration has characterized as unacceptable levels of "undelivered orders". What these figures and statements fail to reflect is the degree to which AML grant moneys are obligated or otherwise committed for AML reclamation work as part of the normal grant process. Most AML grants are either three or five years in length and over that course of time, the states and tribes are in a continual process of planning, bidding and contracting for specific AML projects. Some projects are multi-layered and require extended periods of time to complete this process before a shovel is turned at the AML site. And where federal funding is concerned, additional time is necessary to complete the myriad statutory approvals in order for AML work to begin, including compliance with the National Environmental Policy Act and the National Historic Preservation Act.

In almost every case, however, based on the extensive planning that the states and tribes undertake, AML grant funds are committed to specific projects even while clearances and bidding are underway. While funds may not technically be "obligated" because they are not yet "drawn down", these funds are committed for specific purposes. Once committed, states and tribes consider this grant money to be obligated to the respective project, even though the "order" has not been "delivered" and the funds actually "drawn down". The latter can only occur once the project is completed, which will often be several years later, depending on the size and complexity of the project.[3] We would be happy to provide the Subcommittee with more detailed information about our grant expenditures and project planning in order to answer any questions you may have about how we account for and spend our AML grant moneys. Given the confusion that often attends the various terms used to describe the grant expenditure process, we believe it is critical that Congress hear directly from the states and tribes on this matter and not rely solely on the Administration's statements and analyses. We welcome the opportunity to brief your Subcommittee in more detail regarding this issue should you so desire.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mind drainage (AMD) from abandoned mines. This is an ongoing, and often expensive, problem, especially in Appalachia. NAAMLP therefore requests the Subcommittee to support the inclusion of language in the FY 2014 appropriations bill that would allow the use of AML funds for any non-Federal cost-share required by the Federal government for AMD abatement.

We also urge the Subcommittee to support funding for OSM's training program and TIPS, including moneys for state/tribal travel. These programs are central to the effective implementation of state and tribal AML programs as they provide necessary training and continuing education for state/tribal agency personnel, as well as critical technical assistance. These programs saw drastic cuts as a result of sequestration and we are hopeful that Congress will restore the necessary funding for these critical programs in the FY 2014 appropriation. Finally, we support funding for the Watershed Cooperative Agreements in the amount of $1.2 million because it facilitates and enhances state and local partnerships by providing direct financial assistance to watershed organizations for acid mine drainage remediation.

Thank you for the opportunity to submit this statement regarding OSM's proposed budget for FY 2014. We would be happy to answer any questions you may have or provide additional information.

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[3] Simply defined, the measure used by OSM as an "undelivered order" is all AML funding that has been awarded but not yet "drawn down" from the U.S. Treasury. Given that all grants are on a reimbursement basis, the funds cannot be drawn down until the bills are paid. 30 CFR Sec. 700.5 provides the definition of "expended". There is an obvious disconnect between OSM's reporting of "undelivered orders" and the definition of "expended. A fairer measure of the obligation of federal grant moneys would be to examine them at the end of the grant period (3 or 5 years from award) and also take into account active and ongoing construction contracts where money has been encumbered but not yet paid out pending completion of the project work.

Statement of Dr. Reagan M. Waskom
Director, Colorado Water Institute
On behalf of the National Institutes for Water Resources to the Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies, April 25, 2013

Dr. Reagan M. Waskom
Director, Colorado Water Institute
Colorado State University

Chairman Simpson and Ranking Member Moran:

My name is Reagan Waskom, Director of the Colorado Water Institute at Colorado State University. Thank you for this opportunity to submit this statement on behalf of National Institutes for Water Resources (NIWR), the organization that collectively represents the state water resources research institutes. **My statement is in support of an appropriation of $6,490,000 for the Water Resources Research Act programs as part of the FY 2014 U.S. Geological Survey's budget.**

The Water Resources Research Act (42 U.S.C. 10301 et seq.) establishes a federal-state-university partnership in water resources research, education, and information transfer and dissemination. There are a total of 54 Water Resources Research Institutes located at the land grant universities of the 50 states, as well as in the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. The Act authorized this state-based network of institutes dedicated to solving problems of water supply and water quality in partnership with universities, local governments and the general public. It is the only federally authorized research network that focuses on applied water resources research, education, training and outreach. The institutes are a direct, vital link between federal water interests and needs and the academic expertise located within the states' research universities. It provides a mechanism for ensuring state, regional and national coordination of water resources research, the education of future water professionals, and the transfer of results and outcomes to state and federal water professionals. The matching requirements of the program ensure that states invest in water research and training.

The Water Resources Research Act established two grant components of the USGS Water Resources Research Institutes program. The first component is the base grant program which is divided up equally among the institutes. The Act requires that each federal dollar must be matched by two non-federal dollars. Federal funds cannot be used to pay indirect costs at the universities. This is the strictest match requirement of any federal research program. Each

Institute uses these funds to leverage research and/or student training through a state-wide competitive grants process. In FY2013, each Institute received $92,335, an appropriation of approximately $5.2 million for the base program. NIWR respectfully requests the Subcommittee provide the same funding for these state-based water supply research seed grants, technology transfer, professional education, and outreach to the water-user community by the Institutes.

The second grant component is a national competitive grants program that has the objective of supporting research on water resources problems that are regional or national in nature. Last year this program received 46 applications, which underwent rigorous peer review from a national panel. This panel selected a total of six projects from Alabama, Iowa, Minnesota, New York, Oregon and West Virginia.

My Institute, the **Colorado Water Institute**, collaborates closely with the Colorado Water Conservation Board, Colorado's primary water policy agency, to conduct applied research, provide public education and train students through internships. An example of this partnership is the South Platte Basin is the most populous and water-short region of the state and recently has been struggling with optimizing the conjunctive use of surface and ground water. The Colorado legislature has commissioned CWI to conduct a comprehensive analysis of groundwater management to determine if current management is causing high water tables causing crop damage and flooded basements. In addition to analyzing data, CWI is working to bring well users and surface users into productive dialogue to find solutions to benefit both.

Another partnership with the Colorado Water Conservation Board includes providing drought support to the state, agricultural producers, and Colorado's Drought Task Force during the 2012 drought by serving as the Co-Chair of the Agriculture Drought Task Force and serving on the Colorado Governor's Water Availability Task Force. In addition to regular communication across the agencies, we provided online and printed factsheets and information resources, held local drought meetings for stakeholders, helped producers with crop insurance claims, held drought information tours for state officials, helped organize the State's 2012 drought conference, and handled stakeholder requests. The 2013 crop season is once again looking as though drought will be a problem for cities and agriculture, and we are ramping up our capacity to respond to critical information and coordination needs.

The Water Resources Research Act is what holds all of this together. The Institutes, in coordination with state extension services, specialize in identifying problems within their states, developing solutions to those problems, and engaging with the public to implement those solutions. One of the Institute program's greatest strengths is that the research funded by each Institute is tailored to that state's needs, based on priorities set by consultation with an advisory panel. The following are several examples of research conducted by institutes across the country.

The **Idaho Water Resources Research Institute** is working with the Bureau of Reclamation to develop a more thorough understanding of the economic value that is provided to the Treasure Valley through the management of the Boise River. This research is being used to help predict how water demand and use will be affected by changes to the region's population, economy, and climate. This understanding will provide a method to assess the cost effectiveness of

investments in water management infrastructure, and aid in managing one of Idaho's most important water resources.

The **Virginia Water Resources Research Center** collaborates with the Virginia Department of Conservation and Recreation in developing a publicly-accessible Website to serve as the reference site for stormwater Best Management Practices in the Commonwealth of Virginia. The project is guided by a 25-member clearinghouse committee comprised of stakeholders from across all major watersheds in Virginia.

Since 2008 the **Georgia Water Resources Research Institute** collaborated with and supported the Georgia Department of Natural Resources to develop water development and management plans for all Georgia river basins. The GWRI's River Basin Planning Tool (RBPT) was developed specifically for this purpose and was applied to assess water supply availability and gaps across Georgia. The results have been communicated to and used by the our Governor's twelve water councils. The GWRI has provided training to state engineers and their contractors involved in these assessments. The new planning tool is being developed further as more specific assessment needs arise in the planning process.

The **Minnesota Water Resources Center** has worked with six state agencies and more than 200 water professionals to create a 25 year plan for achieving sustainable water management for Minnesota. The plan, the *Minnesota Water Sustainability Framework*, focuses on water quality and quantity, surface water and groundwater, and human and ecosystem uses of water. It identifies ten major issues, what must be done to address them, and how they should be addressed. The Water Resources Center is now working with state agencies, the private sector, and public organizations to implement the plan.

The **Maine Water Resources Research Institute** currently supports research into new techniques to increase the speed and accuracy with which water is tested for the presence of harmful substances such as pharmaceuticals and other contaminants. The Institute also has collaborated with researchers and teachers to develop educational tools about water science (SIMstream) and to conduct student-scientist research on drinking water quality in rural communities (GET WET!). This spring the Maine Institute takes the lead with the private sector, federal, and state agencies to convene the 19th annual Maine Water Conference, typically attended by several hundred people each year.

In a study of forest management and water yields, in collaboration with several non-profit agencies, **California Institute for Water Resources** researchers are undertaking a three-part, multi-year, multi-disciplinary project to research and assess issues related to climate change, vegetation manipulation and the forest water cycle in the Sierra Nevada Mountains. The Sierras harbor globally distinctive forest resources that deliver hydropower and water supply to downstream users in California and elsewhere. Observational and high resolution modeling studies of snowpack and water, utilizing data collected since 1930, paints a picture of significant decreases in snowpack and runoff in the Sierra Nevada Mountains due to increased green house gases. By the mid-21st century, considerable decreases in snow water equivalence are projected. This CIWR research will continue to run atmospheric models to predict water resources in California.

The occurrence of harmful algal blooms (HABs) and their toxin, microcystin, in surface waters has increased in Ohio, the US, and worldwide. The presence of HABs greatly impacts communities near affected waters. State and local entities are struggling to find solutions to reduce the severity and longevity of these algal blooms and to ensure safe recreational and drinking water. The **Ohio Water Resources Center** (WRC) at Ohio State University is investing in research projects to understand and develop solutions to HABs. Ohio WRC researchers are characterizing the algal blooms, developing monitoring methods, and evaluating management solutions. Current and future research efforts sponsored by the Ohio WRC will allow communities to develop methods and strategies to deal with HABs.

New York State has been impacted by several major floods in the last few years and will continue to experience high precipitation events and sea level rise in the coming decades. **New York State's Water Resources Research Institute** is funding projects to analyze the causes and spatial patterns of past floods, to identify watershed planning and infrastructure management options, and to develop information and tools for decision-makers to use to increase future flood resilience. Current projects and partnerships include assessing flood risk in a changing climate in the Mohawk and Hudson River Basins (with SUNY ESF); projecting peak flows under increasing rainfall intensities to identify undersized culverts (with county Soil and Water Conservation Districts); assessing impacts of recent storms on water and wastewater infrastructure and shoreline communities in the Hudson Valley; and promoting watershed resilience education in the Hudson River Estuary (with Cornell Cooperative Extension).

The **Kentucky Water Resources Research Institute** is conducting projects funded through the National Institute of Homeland Security in support of water utilities. One project is studying distribution system hydraulics and flow dynamics to improve water utility operational decision making. A second project is seeking to determine best practice protocols for utilities to use for response and recovery operations in case water treatment and distribution systems become contaminated. Both projects involve partnerships with faculty and research staff at several other regional universities in Kentucky and in surrounding states.

For almost five decades the Water Resources Research Institutes have provided research results and impacts to our nation, and proved successful at bringing new water professionals into the work force. **NIWR recommends the Subcommittee provide $6,490,000 to the USGS for the Water Resources Research Institute Program for FY 2014.**

The water institute directors recognize the fiscal challenges facing the Nation and Congress, but we want to support the USGS Coalition request that Congress appropriate at least the $1.167 billion requested for the USGS in FY 2014, a level that will support critical USGS programs that improve the nation's environment, health, safety, quality of life, and future economic growth.

Thank you on behalf of all the Institute directors for the opportunity to submit our statement to the Subcommittee and for your continuing support of the Water Resources Research Act program.

Statement of Gregory E. Conrad, Executive Director, Interstate Mining Compact Commission on Behalf of the Interstate Mining Compact Commission re the FY 2014 Proposed Budget for the Office of Surface Mining before the House Interior, Environment and Related Agencies Appropriations Subcommittee -- April 25, 2013

My name is Gregory E. Conrad and I serve as Executive Director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the Subcommittee regarding the views of the Compact's 25 member states on the Fiscal Year (FY) 2014 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $57.7 million to fund Title V grants to states and Indian tribes for the implementation of their regulatory programs, a reduction of $10.9 million or 15% below the FY 2012 enacted level. OSM also proposes to reduce mandatory spending for the abandoned mine lands (AML) program by $67 million pursuant to a legislative proposal to eliminate all AML funding for certified states and tribes.

The Compact is comprised of 25 states that together produce some 95% of the Nation's coal, as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of $57.7 million for Title V grants to states and tribes in FY 2014, an amount which is matched by the states each year. These grants support the implementation of state and tribal regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs. Pursuant to these primacy programs, the states have the most direct and critical responsibilities for conducting regulatory operations to minimize the impact of coal extraction operations on people and the environment. The states accomplish this through a combination of permitting, inspection and enforcement duties, designating lands as unsuitable for mining operations, and ensuring that timely reclamation occurs after mining.

In Fiscal Year 2012, Congress approved $68.7 million for state Title V grants, an amount that appears to have been reauthorized again in FY 2013 pursuant to the Continuing Resolution adopted in March.1 This continued a much-needed trend whereby the amount appropriated for these regulatory grants aligned with the demonstrated needs of the states and tribes. The states are greatly encouraged by amounts approved by Congress for Title V funding over the past several fiscal years. Even with mandated rescissions and the allocations for tribal primacy programs, the states saw a $12 million increase for our regulatory programs over FY 2007 levels.

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1 In approving this amount for state grant funding in FY 2013, the Subcommittee noted that: "Federal regulatory grants to primacy States results in the highest benefit and the lowest cost to taxpayers, and if a State were to relinquish primacy, OSM would have to hire and train sufficient numbers and types of Federal employees. The cost to implement the Federal program would be significantly higher and as such the Committee summarily rejects the proposal [to cut funding for state regulatory grants]."

State Title V grants had been stagnant for over 12 years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment.

In its FY 2014 budget, OSM has once again attempted to reverse course and essentially unravel and undermine the progress made by Congress in supporting state programs with adequate funding. As states prepare their future budgets, we trust that the recent increases approved by Congress will remain the new base on which we build our programs. Given fiscal constraints on state budgets from the downturn in the economy, some states have only recently been able to move beyond hiring and salary freezes and restrictions on equipment and vehicle purchases, all of which have inhibited states' ability to spend all of their federal grant money. A clear message from Congress that reliable, consistent funding will continue into the future will do much to stimulate support for these programs by state legislatures and budget officers who each year, in the face of difficult fiscal climates and constraints, are also dealing with the challenge of matching federal grant dollars with state funds. Please keep in mind that a 15% cut in federal funding generally translates to an additional 15% cut for ***overall*** program funding for many states, especially those without federal lands, since these states can generally only match what they receive in federal money.

It is important to note that OSM does not disagree with the states' demonstrated need for the requested amount of funding for Title V regulatory grants. Instead, OSM's solution for the drastic cuts comes in the way of an unrealistic assumption that the states can simply increase user fees in an effort to "eliminate a de facto subsidy of the coal industry." No specifics on how the states are to accomplish this far-reaching proposal are set forth, other than an expectation that they will do so in the course of a single fiscal year. OSM's proposal is completely out of touch with the realities associated with establishing or enhancing user fees, especially given the need for approvals by state legislatures. IMCC's polling of its member states confirmed that, given the current fiscal and political implications of such an initiative, it will be difficult, if not impossible, for most states to accomplish this feat at all, let alone in less than one year. OSM is well aware of this, and yet has every intention of aggressively moving forward with a proposal that was poorly conceived from its inception. We strongly urge the Subcommittee to reject this approach and mandate that OSM work through the complexities associated with any future user fees proposal in close cooperation with the states and tribes prior to cutting federal funding for state Title V grants.2

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2 It has taken OSM over three years to develop a proposal of its own for cost recovery that will apply to Federal and Indian Lands programs where OSM is the regulatory authority. On April 4, OSM republished a proposed rule (78 Fed. Reg. 20394) that would adjust existing permit fees and assess new fees to recover the actual costs for permit review and administration and permit enforcement activities provided to the coal industry. Comments on the proposal are due May 28. The states have not yet had an opportunity to review the rule, which OSM has asserted could serve as a template for similar efforts by the states. Regardless of whether this is the case, and contrary to OSM's implication that the states should have already moved forward with similar proposals of their own based on the fact that OSM has included this suggested approach in its last three proposed budgets, OSM is well aware of the complexities associated with a proposal of this magnitude for the states based on extensive information we have provided to the agency. We are happy to share that information with the Subcommittee as well. It will clearly take

At the same time that OSM is proposing significant cuts for state programs, the agency is proposing sizeable increases for its own program operations ($4 million) for federal oversight of state programs, including an increase of 19 FTEs. In making the case for its funding increase, OSM's budget justification document contains vague references to the need "to improve the implementation of existing laws" and to "strengthen OSM's skills base." More specifically, OSM states in its budget justification document (on page 62) that "with greater technical skills, OSM anticipates improved evaluation of permit-related actions and resolution of issues to prevent unanticipated situations that otherwise may occur as operations progress, thereby improving implementation of existing laws". In our view, this is code language for enhanced and expanded federal oversight of state programs and reflects a move by OSM to exert a more direct role in state programs, especially regarding permitting decisions, thereby weakening state primacy. However, without more to justify the need for more oversight and the concomitant increase in funding for federal operations related thereto, Congress should reject this request. The overall performance of the states as detailed in OSM's annual state program evaluation reports demonstrates that the states are implementing their programs effectively and in accordance with the purposes and objectives of SMCRA.3

In our view, this suggests that OSM is adequately accomplishing its statutory oversight obligations with current federal program funding and that any increased workloads are likely to fall *upon the states*, which have primary responsibility for implementing appropriate adjustments to their programs identified during federal oversight. In this regard, we note that the federal courts have made it abundantly clear that SMCRA's allocation of exclusive jurisdiction to the states was "careful and deliberate" and that Congress provided for "mutually exclusive regulation by either the Secretary or state, but not both." *Bragg v. West Virginia Coal Ass'n*, 248 F. 3d 275, 293-4 (4th Cir. 2001), cert. denied, 534 U.S. 1113 (2002). While the courts have ruled consistently on this matter, the question remains for Congress and the Administration to determine, in light of deficit reduction and spending cuts, how the limited amount of federal funding for the regulation of surface coal mining and reclamation operations under SMCRA will be directed – to OSM or the states. For all the above reasons, we urge Congress to approve not less than $71 million for state and tribal Title V regulatory grants, as fully documented in the states' and tribes' estimates for actual program operating costs.[4]

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more than a single fiscal year for the states to seriously consider and undertake such an effort. And most importantly, the Subcommittee has directed OSM in each of the past three fiscal years "to discontinue efforts to push States to raise fees on industry as the bill provides the funds necessary for States to run their regulatory programs."

3The Subcommittee agreed with this assessment when it commented as follows on OSM's proposed increase in FY 2013: "The Committee similarly rejects the proposal to increase inspections and enhanced Federal oversight of State regulatory programs. Delegation of the authority to the States is the cornerstone of the surface mining regulatory program, and State regulatory programs do not need enhanced Federal oversight to ensure continued implementation of a protective regulatory framework. Accordingly, the Committee has not provided the $3,994,000 and 25 FTE increase requested for those activities within the Regulation and Technology account." Furthermore, the states are confounded by OSM's desire to increase its staff by 19 FTE's when it currently has more than twice that number of unfilled positions in the agency. Is OSM attempting to add 19 **new** FTE's, or fill a portion of the vacancies? In either event, the $4 million intended for this purpose is better spent by the states in their role as the primary enforcement and permitting SMCRA authority, rather than by OSM oversight to second-guess state decisions.

[4]We are particularly concerned about recent OSM initiatives, primarily by policy directive, to duplicate and/or second-guess state permitting decisions through the reflexive use of "Ten-Day Notices" as part of increased federal

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which state reclamation grants are funded. Beginning with FY 2008, state Title IV grants are funded primarily by mandatory appropriations. As a result, the states should have received a total of $340 million in FY 2014. Instead, OSM has budgeted an amount of $273 million based on an ill-conceived proposal to eliminate mandatory AML funding to states and tribes that have been certified as completing their abandoned coal reclamation programs. This $67 million reduction repudiates the comprehensive restructuring of the AML program that was passed by Congress in 2006, following over 10 years of Congressional debate and hard fought compromise among the affected parties. We urge the Congress to reject this unjustified, ill-conceived proposal, delete it from the budget and restore the full mandatory funding amount of $340 million. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAMLP) which goes into greater detail regarding the implications of OSM's legislative proposal for the states and tribes.

We also urge Congress to approve continued funding for the AML emergency program. In a continuing effort to ignore congressional direction, OSM's budget would completely eliminate funding for state-run emergency programs and also for federal emergency projects (in those states that do not administer their own emergency programs). Funding the OSM emergency program should be a top priority for OSM's discretionary spending. This funding has allowed the states and OSM to address the unanticipated AML emergencies that inevitably occur each year. In states that have federally-operated emergency programs, the state AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events. And for minimum program states, emergency funding is critical to preserve the limited resources available to them under the current funding formula. We therefore request that Congress restore funding for the AML emergency program in OSM's FY 2014 budget.

We further ask the Committee to support funding for OSM's training program, including moneys for state travel. These programs are central to the effective implementation of state regulatory programs as they provide necessary training and continuing education for state agency personnel. We note that the states provide nearly half of the instructors for OSM's training course and, through IMCC, sponsor and staff benchmarking workshops on key regulatory program topics. IMCC also urges the Committee to support funding for TIPS, a program that directly benefits the states by providing critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of $1.2 million.

Attached to our testimony today is a list of questions concerning OSM's budget that we request be included in the record for the hearing. The questions go into further detail concerning several aspects of the budget that we believe should be answered before Congress approves funding for the agency or considers advancing the legislative proposals contained in the budget.

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oversight or through federal responses to citizen complaints. Aside from the impact on limited state and federal resources, these actions undermine the principles of primacy that underscore SMCRA and are likely to have debilitating impacts on the state-federal partnership envisioned by the Act.

Testimony for the Record
Marvin S. Fertel
President and Chief Executive Officer
Nuclear Energy Institute

Appropriations Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives
April 25, 2013

The Nuclear Energy Institute[1] (NEI) appreciates the opportunity to express its concern over the revision or enforcement of certain regulations promulgated, and actions taken under certain laws, by the Department of the Interior, the Bureau of Land Management, and the Environmental Protection Agency:

- DOI's withdrawal of land in northern Arizona from uranium mining activity;
- Unnecessary and unreasonable regulatory delays by BLM, EPA, and other agencies involving permits for uranium mining;
- BLM's proposal to amend land segregation regulations to allow withdrawal of lands from mining activity when they are included in a pending or future wind or solar energy generation right-of-way application, or identified by BLM for potential authorization for that purpose; and,
- BLM sage grouse habitat management in 11 Western states, which could unduly restrict uranium mining activity.

DOI's Withdrawal of Land from New Uranium Mining in Northern Arizona Is Unnecessary for Environmental Protection and Removes from Production a Domestic Source of High-Grade Uranium for Energy Security

DOI has withdrawn from new uranium mining activity one million acres outside the boundaries of the Grand Canyon National Park, which encompasses 1.2 million acres and includes a buffer zone to protect the Grand Canyon. There is no current or proposed uranium mining inside Grand Canyon National Park. Uranium resources in the Arizona Strip are among the highest-grade ores in the United States. These uranium resources are higher grade than 85 percent of the world's uranium resources, according to DOI's Final Environmental Impact Statement. The area represents as much as 375 million pounds of uranium—more than seven times U.S. annual demand.

The Arizona Strip land withdrawal is not justified because of erroneous information upon which DOI's Final Environmental Impact Statement is based. Contrary to Secretary Salazar's statement in announcing the land withdrawal on January 9, 2012, today's environmental laws ensure that ore extraction and production at uranium mines have negligible impact on surrounding land, water, and wildlife. Moreover, it is a fact that modern mining practices and associated regulatory standards themselves ensure minimal environmental impact. DOI's EIS for the land withdrawal,

[1] The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

on the other hand, was based on uranium mining practices of the 1950s and 1960s that are no longer used and, therefore, distorted environmental impacts that will not arise given current mining techniques and regulatory requirements. In addition, miners must provide assurance that the financial resources are in place to remediate a site before any mining begins.

Even Arizona Gov. Brewer, the principal steward for environmental protection in her state, objected to the proposed withdrawal: with environmental laws currently in place, "ore extraction and production at existing uranium mines have minimal environmental impact on the surrounding land, water, and wildlife."

It appears that DOI has ignored critical technical information, often provided by the industry, in order to justify a public policy outcome favored by the department, when public policy should be based on scientific fact. NEI has joined the National Mining Association in litigation contesting the Arizona withdrawal, contending that the underlying statute is unconstitutional and that DOI did not reasonably assess the basis for the withdrawal. NEI urges the subcommittee to instruct DOI to base all future department decisions on compelling public policy grounds and accurate technical information, not on technically flawed environmental impact statements that use outdated and incorrect information.

Unnecessary and Unreasonable BLM, EPA, and other Agency Regulatory Delays Involving Permits for Uranium Mining Resulting from Agency Inefficiency and Lack of Coordination Pose a Serious Impediment to Expansion of the Domestic Uranium Mining Industry and Send Jobs to other Countries

Nuclear energy generates nearly 20 percent of our country's electricity, and represents 63 percent of the electricity produced by non-emitting energy sources. Yet, 90 percent of the uranium used by nuclear power plants comes from sources outside of the United States. Unnecessary and unreasonable regulatory delays pose a serious impediment to expanding the domestic uranium industry and ensuring long-term a reliable and domestic supply of nuclear power plant fuel. Thus, these delays have an adverse impact on enhancing our country's energy security as well as economic growth, as the mining jobs that Americans could have remain in other countries.

Unnecessary and unreasonable delays in mine permitting are a widely recognized problem. Last year a bipartisan bill requiring agency action to eliminate these delays with regard to nonfuel minerals passed the House by an overwhelming majority. This year the bill, "National Strategic and Critical Minerals Production Act of 2013" (H.R. 761), stipulates that minerals "necessary" for "electrical power generation and transmission" are considered "strategic and critical minerals," indicating the national importance of the electric power industry. The measures prescribed by this bill for nonfuel minerals would remedy the regulatory delays occurring in the domestic uranium mining industry as well. These include streamlined National Environmental Policy Act compliance determination, coordination of review by all relevant agencies to eliminate duplication, more effective use of state agency permitting actions, time limits for each phase of the review process and overall total time limit, and a reasonable public comment process. The bill also calls for expeditious judicial review of agency actions, when they occur, with limitations on relief.

NEI respectfully asks the subcommittee to direct BLM and EPA to coordinate with each other and the Nuclear Regulatory Commission, the Department of Agriculture, and relevant state agencies to develop and follow procedures that will eliminate unnecessary and unreasonable delays in uranium mining permitting. We have every confidence that BLM can do for uranium mining what it has done for renewables development. As the Government Accountability Office has reported in *Renewable Energy: Agencies Have Taken Steps Aimed at Improving the Process for Development on Federal Lands*, GAO-13-189, January 2013, "What GAO Found":

> "Federal land management agencies . . . have developed or revised policies aimed at, among other things, improving the renewable energy permitting process, formalized coordination within and across agencies and with state and local governments, and devoted increased resources to processing applications for renewable energy permits. One of BLM's most comprehensive actions was the completion of programmatic environmental impact statements for renewable energy development, intended to streamline the permitting process. The agencies also took steps to improve coordination through regularly established meetings and development of memorandums of understanding between federal and state agencies. . . . To help ensure that its actions are achieving their intended purposes, BLM issued an instruction memorandum in December 2012 aimed at increasing the efficiency and effectiveness of its renewable energy permitting process."

BLM's Proposal to Amend Land Segregation Regulations to Allow Withdrawal of Lands from Mining Activity for Wind or Solar Energy Generation Violates the Multiple-Use Mandate of Federal Lands, Penalizing Economic Growth and Job Creation

Last year BLM set aside more than 300,000 acres in the Southwest from new mining claims for at least 20 years, designating those lands solely for solar energy development and transmission, extending the withdrawal time period of an interim rule allowing the segregations of lands exclusively for renewables use.

The Federal Land Policy and Management Act of 1976 requires BLM to manage public lands to accommodate multiple uses and to provide for the nation's mineral needs so that the most benefit will accrue to U.S. citizens. Conflicts should be resolved in favor of maximum land use and benefit. The BLM proposal violates the multiple-use requirement, being overly broad in its outright segregation of lands for renewable energy use only. Moreover, the amendment is unnecessary, as conflict resolution, if necessary, is possible.

Mining and all renewable energy projects are not mutually exclusive. Wind energy or solar thermal projects and mining operations can be co-located and developed simultaneously. Solar projects consisting of fields of photovoltaic panels, on the other hand, can eliminate all other uses of the land, including grazing, recreation, and oil and gas exploration and production. Photovoltaic fields also eliminate the mining of minerals, many of which are required for renewable energy generation and transmission.

NEI is concerned about the precedent that has been set by this particular land withdrawal. Thus, when BLM is considering designating lands solely for renewable projects, NEI urges the

subcommittee to direct BLM to evaluate whether other potential uses of federal land are being prevented and if benefits would be lost to the American public during the BLM process of determining sole use segregation of land for renewable energy production. Further, NEI urges the subcommittee to direct BLM to exercise caution in segregating lands in the future, given the vast amount of federal land already closed to mining operations. Finally, NEI urges the subcommittee to ask BLM to reevaluate the newly lengthened segregation period of 20 years, increased from 5 years, which is excessive and could adversely impact legitimate mining claims.

BLM Sage Grouse Habitat Management in 11 Western States May Unduly Restrict Uranium Mining Activity

BLM is taking immediate and longer term conservation actions for sage grouse priority babitat (breeding, late brood-rearing, winter concentration areas) and general habitat (additional occupied seasonal or year-round areas). Both types of habitat are being identified in collaboration with state wildlife agencies. With as many as 160 million acres potentially affected in 11 Western states, BLM's conservation efforts could have a substantial impact on uranium mining activity on public lands.

Chairman Hastings, in his March 7, 2013 letter to DOI on behalf of the Committee on Natural Resources, points out that "there are as many as 98 separate planning strategies under consideration in 68 various areas in several states" in response to BLM's National Technical Team *Report on National Greater Sage-Grouse Conservation Measures*. As Chairman Hastings notes, scientific reviewers are critical of the report, with one noting that the report "does not appear to have any 'rational scientific basis.'" Chairman Hastings' letter concludes that "the Administration's 2011 ESA multi-species-settlement, negotiated behind closed doors, essentially handed over prioritization of endangered species listings to special interest groups," initiating the greater sage grouse conservation actions, which are "being driven by litigation, closed-door settlements and court deadlines, rather than being guided by sound science and the best available data and information."

According to its long-term planning directive memorandum, BLM will establish consistent protection measures for the sage grouse and its habitat. BLM will incorporate the protection measures into one or more alternatives for analysis in the environmental impact statements that BLM will use to amend its resource management plans. These plans are scheduled for release in 2014. NEI believes there is the potential that these plans will require wholesale withdrawal of lands from mining activities with no validity examination allowed for ongoing or future mining claims.

NEI recommends close congressional oversight of the BLM process for development and implementation of the sage grouse habitat management plan. In addition, NEI asks that the subcommittee direct BLM to adopt a balanced approach to sage grouse conservation that is consistent with BLM's statutory mandate for multiple uses of public lands and avoid or minimize adverse social and economic impacts. Finally, NEI asks that the committee review the various sage grouse conservation plans to ensure that they do in fact ensure multiple use.

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Joshua Saks
Legislative Director
National Wildlife Federation

Testimony Regarding Fiscal Year 2014 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies
Submitted April 25, 2013

On behalf of the National Wildlife Federation (NWF), the nation's largest member-based conservation advocacy and education organization, and our more than four million members and supporters, we thank you for the opportunity to provide Fiscal Year 14 funding recommendations for the Department of the Interior and other agencies under the jurisdiction of this Subcommittee.

We understand the very difficult budget choices facing the Subcommittee and the nation as we move forward under the constraints of the Budget Control Act of 2011 (Public Law 112-25). That said, it is our belief that disproportionate cuts to conservation programs represent policy positions not consonant with the priorities and values of most Americans. These programs protect cherished lands and waters and conserve the natural resources that are vital to the nation's continued economic vitality. Recent studies estimate that outdoor recreation, nature conservation, and historic preservation account for $1.06 trillion in overall economic activity and support 9.4 million jobs each year. Outdoor recreation alone generates more than $49 billion in annual federal tax revenue.

NWF and its members remain concerned about proposed funding reductions to many of the federal government's core commitments and programs for conserving fish and wildlife, sustaining and restoring important ecosystems, and maintaining clean air and water. Perhaps of even greater concern are efforts to rewrite the nation's landmark environmental laws through the use of policy riders on the appropriations bill. **National Wildlife Federation urges the Subcommittee to make the necessary investments in our essential conservation and environmental programs and commitments in the FY14 appropriations bill, and to pass a bill free of such riders.**

National Wildlife Federation is overall supportive of the President's FY14 budget request, which we view as balancing fiscal responsibility with continued investments in essential conservation and environmental programs. Below, we offer recommendations for specific budget items and programs.

I. U.S. FISH AND WILDLIFE SERVICE

State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the nation's core program for preventing wildlife from becoming endangered in every state. We are extremely concerned about the impact on the nation's wildlife of the nearly 30% cut this program has suffered in recent years. We urge Congress to honor its commitment to this important effort and **strongly support the President's FY14 request of $61.3 million**.

Cooperative Landscape Conservation

Safeguarding fish and wildlife resources from climate change is a major concern for the entire natural resource conservation community, and the Fish and Wildlife Service's Landscape Conservation Cooperatives represent an important means for leveraging federal, state, and private resources to achieve effective conservation outcomes. We urge Congress to meaningfully address the very real threats of climate change to our fish and wildlife and **support the President's request of $17.6 million for Cooperative Landscape Conservation.**

National Wildlife Refuge System Operations and Maintenance
The National Wildlife Refuge System is the largest system in the world dedicated to wildlife conservation. Simply maintaining the management capability to operate the Refuge System requires a $15 million increase each year. NWF, in support of the Cooperative Alliance for Refuge Enhancement (CARE), **strongly endorses the President's FY14 funding request of $499 million for Operations and Maintenance for the National Wildlife Refuge System**. Robust funding is even more important given that the sequestration cuts enacted in FY13 are continuing to force closures and reduced services at many refuges.

II. U.S. GEOLOGICAL SURVEY
Climate Science Centers
The National Climate Change and Wildlife Science Center and associated regional Climate Science Centers are important for improving the scientific support required to successfully cope with the challenges of a changing climate. **NWF is supportive of the President's proposed $35.3 million in funding for FY14.**

III. BUREAU OF INDIAN AFFAIRS
Trust Natural Resources Program
The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. Funding, however, has not kept pace over the decade with inflation or the increasing needs of tribes to manage natural resources. **We are strongly supportive of the President's FY14 request of $189.193 million.** We are particularly supportive of the **$10 million requested funding for tribal collaboration with DOI Landscape Conservation Cooperatives** to support tribal engagement in climate adaptation.

IV. BUREAU OF LAND MANAGEMENT
National Landscape Conservation System
The National Landscape Conservation System contains many of the most special places in the American West. Funding the Conservation Lands at **the President's FY14 funding request of $71.5 million** is needed to prevent critical damage to the resources found in these areas, ensure proper management, and provide for a quality visitor experience.

V. NEW ENERGY FRONTIER
The New Energy Frontier initiative provides resources for six bureaus across DOI for renewable energy planning, leasing, and permitting activities. The initiative presents an opportunity for the nation to facilitate large-scale clean energy projects without compromising crucial wildlife interests and investments. The program facilitates efficient and expeditious permitting, identification and review of wind energy areas, and efforts to evaluate and protect the sage grouse, lesser prairie chickens, whooping cranes, golden eagles, and Indiana bats. NWF **strongly supports the President's request of $96.9 million for FY14,** an increase of $25.6 million from FY12 enacted.

VI. U.S. FOREST SERVICE
Urban and Community Forestry Program
The Urban and Community Forestry program improves the forests where people live, work, and play. With urban tree canopies in decline, the program is critical to support carbon sequestration, energy conservation, stormwater management, and air quality, while also providing cooling benefits in urban areas. We support an **increase from the President's $25.3 million FY14 request to FY12 enacted level of $31.5 million**.

VII. LAND AND WATER CONSERVATION FUND

The Land and Water Conservation Fund (LWCF) is the primary tool of the federal government for acquiring land valuable for wildlife habitat and open space. LWCF is authorized to receive $900 million in revenue from offshore oil and gas drilling annually. Nonetheless, this program has been woefully underfunded over the years, with only a fraction of the dedicated revenues appropriated and available for use. National Wildlife **Federation strongly endorses the requests laid out in the President's FY14 budget, with $400 million in "current" funding and $200 million in "permanent" funding projects** for the Land and Water Conservation Fund. In addition, we support efforts to ensure LWCF is funded at its maximum authorized level, including legislative efforts to provide robust and dedicated funding outside of the budget process. We'd also like to particularly signal our support for the **Urban Parks and Recreation Fund** within LWCF, new in this year's budget, and endorse the President's request **of $10 million in "current" funding and $5 million in "permanent" funding.**

VIII. NATIONAL PARK SERVICE

Cooperative Landscape Conservation

In order to ensure the continued survival of the plants, animals, and landscapes that Americans value for their recreational and educational uses, conservation efforts must adapt to a changing climate. DOI is making great strides in establishing guidance and gathering new data in the field of climate adaptation, and this program is crucial to ensure that plants and wildlife can survive the changing climate and exist for future generations to enjoy. **NWF supports the President's request of $8.9 million, $6.0 million above the FY 2012 enacted level.**

IX. ENVIRONMENTAL PROTECTION AGENCY

Urban Waters Grant Program and Urban Waters Federal Partnership

Most Americans now live in urban areas, but our urban waterways are imperiled from the effects of human development, including pollution from industrial point-source pollution and urban stormwater runoff. The Urban Waters Grant Program and Urban Waters Federal Partnership not only fund innovative approaches for water quality improvements that benefit aquatic ecosystems, but also revitalize urban waterfronts, providing economic benefits and recreation value for residents. **We support the President's FY14 budget request of $4.4 million for the Urban Waters Grant Program and the Partnership.**

Geographic Programs - Ecosystem Restoration Initiatives

America's Great Waters are the lifeblood of our nation. Sustained, consistent restoration funding is crucial for the successful implementation of multi-year, complex ecosystem restoration plans. As such, we strongly **support the President's requested increase in funding for the EPA's flagship geographic programs, the Chesapeake Bay Program Office ($73 million requested, an increase of $15.7 million from FY12 enacted) and the Great Lakes Restoration Initiative ($300 million requested).** However, we are concerned about significant proposed funding decreases for several other regional efforts, including but not limited to the Long Island Sound Program and Puget Sound Program.

EPA National Estuary Program

The National Estuary Program (NEP) works to restore and protect nationally significant estuaries. Unlike traditional regulatory approaches to environmental protection, the NEP targets a broad range of issues and engages local communities in the process. The program focuses not just on improving water quality, but on maintaining the integrity of the whole system -- its chemical, physical, and

biological properties, as well as its economic, recreational, and aesthetic values. **NWF is glad to see funding maintained for this program, and supports the President's FY 14 request for $27.3 million.**

Clean Water State Revolving Fund

Since the 1970's, CWSRF projects have helped improve the quality of wastewater treatment in communities throughout the country. Yet the job is far from complete and the nation faces trillions of dollars in funding needs to repair aging wastewater treatment systems and keep our rivers and streams pollution free. While we greatly appreciate the EPA's dedication to increasing green infrastructure options, we believe now, particularly when America's infrastructure is rated at D+ by the American Society of Civil Engineers, is not the time to cut resources from communities. NWF strongly opposes the $371 million proposed cut to this program, and **urges Congress to increase funding from the President's FY14 request of $1.095 billion to FY12 enacted levels of $1.47 billion.**

Clean Water Act 319 Nonpoint Pollution Reduction Program

When Congress recognized the need for greater federal leadership in assisting with nonpoint source pollution reduction efforts, The Clean Water Act was amended to establish Section 319. Continued funding for the Nonpoint Source Management Program will provide state and local nonpoint source remediation efforts with the funds that are crucial to the implementation of these projects. As such we recommend that the Subcommittee **increase program funding from the $164.5 million requested by the President to the FY12 enacted level of $175 million**.

Climate & Air Pollution Reduction Programs

NWF supports EPA's priority goal of improving the country's air quality and take action on climate change. **We support the President's request of $801 million to address air quality,** an increase of $32.7 million over FY12 enacted. This funding will allow the agency to conduct statutorily mandated work on the National Ambient Air Quality Standards for criteria pollutants and obligations to reduce toxic air pollution. We also **support the requested $212.9 million for addressing climate change**, an increase of $12.9 million over FY12 enacted, allowing the Agency to support a full range of approaches for reducing carbon pollution and the risks posed to human health and the environment from climate change.

National Environmental Education Act (NEEA) Programs

EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs. We are grateful for the Subcommittee's support of environmental education in previous years and **recommend FY12 baseline funding levels for NEEA at $9.7 million in FY14.**

Testimony of April Snell, Executive Director, Oregon Water Resources Congress
Submitted to the United States House Appropriations
Subcommittee on Interior, Environment, and Related Agencies
April 25, 2013

RE: FY 2014 Budget for the U.S. Environmental Protection Agency's Clean Water State Revolving Fund Loan Program

The Oregon Water Resources Congress (OWRC) is concerned about continued reductions to the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to at least $2 billion in FY 2014. The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy. OWRC is also concerned about various efforts by EPA to increase regulatory authority over water resources planning and urges the Senate to take action and prevent further jurisdictional overreach. EPA's actions to increase its jurisdiction are counterproductive to collaborative planning and detract from the positive solutions achieved through the CWSRF program.

OWRC is a nonprofit association representing irrigation districts, water control districts, improvement districts, drainage districts and other local government entities delivering agricultural water supplies. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production, and deliver water to roughly 1/3 of all irrigated land in Oregon. OWRC has been promoting the protection and use of water rights and the wise stewardship of water resources on behalf of agricultural water suppliers for over 100 years.

FY 2014 Appropriations

We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefitting the environment, aids with proactive asset management, and is an efficient return on taxpayer investment. Oregon is facing record levels of unemployment and the CWSRF funded projects provide much needed construction and professional services jobs. Moreover, as a loan program, it is a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

Nationally, and in Oregon, there are substantial unmet water infrastructure needs. In *Clean Watersheds Needs Survey 2008: Report to Congress and Drinking Water Infrastructure Needs Survey and Assessment: Fourth Report to Congress,* EPA estimated that the funding need for drinking water infrastructure totaled $335 billion (in 2007 dollars) and wastewater infrastructure needs totaled $298 billion (in 2008 dollars). Appropriations for water infrastructure, specifically the CWSRF, should not be declining but remaining strong, and growing, in order to meet these critical needs. The President's FY 2014 Budget proposes only $1.1 billion for the CWSRF program, a $472 million reduction from FY 2012, and a woefully inadequate amount in light of the enormity of the infrastructure problems nationally. There has not been an increase since 2009

while both the infrastructure needs and the costs to address continue to grow. Continued funding reductions has led to delaying repairs or upgrades which increases potential for catastrophic failure and is counterproductive to the Administration's desire to encourage asset management and sustainable water infrastructure. We are deeply concerned about this negative downward trend and urge you to reverse course and increase funding for this valuable program.

CSWRF Success and Needs in Oregon

Six OWRC member districts have successfully received loans from the CSWRF over the last several years and many more will apply if funds are available. Numerous irrigation districts and other water suppliers are taking proactive approaches to addressing non-point source issues by piping open canals, which improves water quality by eliminating potential run-off, and increasing water availability for both irrigators and fish and wildlife. Oregon's Department of Environmental Quality (DEQ) has also recently revised their CWSRF rules, which will create greater opportunities for water quality improvement projects that yield both environmental and economic benefits. However, reduced federal funding has created uncertainty for potential program applicants and there continues to be more applicants than available funding.

What is being proposed for FY 2014 CWSRF appropriations is far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. The DEQ's most recent *"Proposed Intended Use Plan Update #2 - State Fiscal Year 2013,"* lists 14 projects in need of a total of $30,914,491 in Oregon alone. The FY 2013 capitalization grant available to DEQ is $7,370,000, roughly half of the FY 2012 appropriations DEQ received. Currently, two irrigation districts have submitted applications for funding to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy. These projects include:

- **Central Oregon Irrigation District** - This project would provide 4,500 feet of new pipeline to carry irrigation water currently in open canal which will lead to water efficiency consistent with EPA's green project reserve guidance. **Request: $3,250,000**
- **Three Sisters Irrigation District** - This project would design and construct approximately 5.3 miles of HDPE 42-inch pipe to remove irrigation water from open canals which will lead to water efficiency consistent with EPA's green project reserve guidance. **Request: $2,000,000**

We support the Administration's efforts to expand "green infrastructure" options and encourage sustainable water infrastructure. In fact, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits. Four irrigation districts received over $11 million funding in Oregon from the 2009 American Recovery and Reinvestment Act (ARRA) funding through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20% of the total ARRA funding for the CWSRF be used for "green" projects. Our districts continue to be on the forefront of innovation and are often the only projects that qualify for the green project reserve. However, continually reducing the amount of funds available for these worthwhile projects is counterproductive to the Administration's desire to incentivize green infrastructure and has created increased uncertainty for potential borrowers about whether adequate funding will be available in future years.

CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. CWSRF reductions can lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years. OWRC supports the creation of an infrastructure bank, but the needs facing communities now cannot wait for a new funding mechanism, particularly when the CWSRF has worked very efficiently in Oregon. The CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive.

The Importance and Success of Local Watershed Planning
In addition to advocating for increases to the CWSRF program, OWRC is supportive of funding and technical assistance for states to conduct watershed planning activities. Oregon is the model for watershed planning and does not need a new federal agency or Executive Branch office to continue watershed planning—but we could use federal assistance in implementing priority activities. Planning activities are conducted through local watershed councils, volunteer-driven organizations that work with local, state and federal agencies, economic and environmental interests, agricultural, industrial and municipal water users, local landowners, tribes, and other members of the community. There are over 60 individual watershed councils in Oregon that are already deeply engaged in watershed planning and restoration activities.

Oregon's success in watershed planning illustrates that planning efforts work best when diverse interests develop and implement plans at the local watershed level with support from state and federal government. However, we continue to be concerned about EPA (and CEQ) efforts to revise Clean Water Act Guidance without appropriate public process or legislative oversight. The proposed changes would greatly broaden EPA authority and illustrates an apparent desire to dictate watershed planning methods for the nation using a top-down regulatory approach from a desk in Washington DC. This regulatory overreach will lead to uncertainty for landowners and water users, increased litigation and destroy collaborative efforts (including CWSRF projects) already underway in Oregon and across the nation. Furthermore, funding for these types of regulatory activities should be extensively reviewed and not come at the expense of valuable and established programs like the CWSRF.

Conclusion
In conclusion, we strongly support the CWSRF program and urge you to increase funding so that additional innovative, environmentally and economically beneficial water quality projects can be implemented in Oregon and nationally. The voluntary, pro-active approach of the CWSRF program creates and promotes collaborative solutions to water resources challenges. Conversely, regulatory overreach destroys cooperation, creates mistrust and has a very negative effect on jobs and local economies. Lastly, increasing CWSRF program funding is a smart investment that will help leverage other sources of funding to address critical water infrastructure needs. We respectfully request the appropriation of at least $2 billion for the U.S. Environmental Protection Agency's Clean Water State Revolving Loan Fund for FY 2014.

Sincerely,
April Snell, Executive Director
Phone: 503-363-0121 Address: 437 Union St. NE; Salem, OR 97301

Testimony in Support of FY 2014 Funding for the Department of the Interior

April 25, 2013

Submitted by:
Larry Page, Ph.D.
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Natural Science Collections Alliance
1444 I Street, NW, Suite 200
Washington, DC 20005
Phone: 202-628-1500

Submitted to:
House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2014 appropriations for the Department of the Interior (DOI). We encourage Congress to provide the DOI Working Capital Fund with at least $62.0 million in FY 2014. The NSC Alliance also supports the Administration's budget request for the United States Geological Survey (USGS), which utilizes and curates various scientific collections in support of USGS science and provides collections-based information to other DOI bureaus. We encourage Congress to also work to provide adequate funding for the scientific collections maintained by other DOI bureaus, such as the National Park Service, Bureau of Land Management, and Fish and Wildlife Service. These collections are used to inform resource management and support law enforcement efforts.

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 which are part of an international community of museums, botanical gardens, herbaria, universities, and other institutions that contain natural science collections and use them in research, exhibitions, academic and informal science education, and outreach activities.

Scientific collections are a vital component of our nation's research infrastructure. Whether held at a national museum, government managed laboratory or archive, or in a university science department, these scientific resources contain genetic, tissue, organismal, and environmental samples that constitute a unique and irreplaceable library of the Earth's history. The specimens and their associated data drive cutting edge research on significant challenges facing modern society, such as improving human health, enhancing food security, and understanding and responding to environmental change. Collections also inspire novel interdisciplinary research that drives innovation and addresses some of the most fundamental questions related to biodiversity.

The institutions that care for scientific collections are important research centers that enable scientists to study the basic data of life, conduct modern biological, geological, and environmental research, and provide undergraduate and graduate students with hands-on training opportunities.

The federal Interagency Working Group on Scientific Collections (IWGSC) was established by President Bush to evaluate the status of federally owned object-based scientific collections. In 2009, the IWGSC reported that, "scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise." In response, in 2010, the Office of Science and Technology Policy directed federal agencies to budget for the proper care of collections. "Agencies should ensure that their collections' necessary costs are properly assessed and realistically projected in agency budgets, so that collections are not compromised."

We are pleased to see that DOI has included an increase of $2.0 million in its budget request for the Cultural and Scientific Collections program. Interior is an important caretaker of museum collections; the Department has an estimated 146 million items, which is second in size to the Smithsonian Institution. Although many of the department's collections are located in bureau facilities, artifacts and specimens are also housed by non-governmental facilities, such as museums and universities.

The FY 2014 budget request would implement a multi-year action plan to address recommendations made by the DOI Inspector General regarding Interior's accountability for its cultural and scientific specimens. In a December 2009 report, the Inspector General found that DOI has failed to properly accession, catalogue, or inventory museum collections, leaving artifacts "unavailable for research, education, or display and ... subject to theft, deterioration, and damage." The proposed budget increase would reduce the collections' accessioning and cataloging backlog; identify and assess collections housed at non-federal locations; correct identified deficiencies in accountability, preservation, and protection of Interior cultural and scientific collections; and pursue opportunities for consolidation of bureau and non-bureau facilities housing collections.

We support the proposed DOI study of bureau and non-bureau facilities housing biological collections to determine the potential for economies of scale, improvements of oversight and accountability, and space reduction. Because excellent public and private facilities already exist in every state, we believe the study is likely to conclude that contracting with existing bio-repositories that have the experience and expertise to house and curate the collections and associated data will be the most efficient and cost-effective means by which federal agencies can access the collections data required to accomplish agency missions. We applaud the increased recognition by DOI and other federal departments of the immense importance of biological collections and the data they provide in support of the nation's research enterprise that ultimately drives economic growth, improves human health, addresses energy needs, and enables sustainable management of our natural resources.

The National Park Service is also planning to continue its investments in scientific collections. The proposed budget would support plans to catalog an additional two million museum objects

in FY 2014. Additionally, several parks will complete collections plans for fire protection, pest management, storage, and emergency operations.

The United States Geological Survey would expand its efforts to preserve, inventory, and digitize geological scientific collections, such as rock and ice cores, fossils, and samples of oil, gas, and water. The proposed $400,000 increase within Core Science Systems would be used to help states with collections management, improve accessibility of collections data, and expand digitization of specimens.

Conclusion

Scientific collections are an important part of our nation's research enterprise. Research specimens connect us to the past, are used to solve current societal problems, and are helping to predict future environmental changes. Continued investments in scientific collections are critical for our nation's continued scientific leadership. Please support the budget request for the Department of the Interior's Capital Working Fund, which will support Interior's efforts to preserve scientific collections – a truly irreplaceable resource.

Thank you for your thoughtful consideration of this request.

Statement of the
PORT GAMBLE S'KLALLAM TRIBE

Submitted to the
House Interior Appropriations
Subcommittee on Interior, Environment and Related Agencies
on the
Fiscal Year 2014 Budget Request for
Tribal Programs in the BIA and IHS

April 24, 2013

This testimony is submitted on behalf of the Port Gamble S'Klallam Tribe in Washington State, regarding the President's FY 2014 budget request for tribal programs in the BIA, IHS and other federal agencies. This statement is presented on behalf of the elected members of the Tribal Council and on behalf of the Port Gamble S'Klallam people.

The Port Gamble S'Klallam Tribe has compacted federal programs, some beginning as early as 1992, with the Bureau of Indian Affairs and the Indian Health Service. This major commitment was initiated to improve the delivery of services guaranteed under the Point No Point Treaty of 1855. We have been immensely successful, delivering BIA services such as a stable Tribal court system that, although being held at 1994 funding levels, has achieved a level of quality that, in some ways, exceeds those of many non-Indian courts throughout the nation.

However, we still carry a ($238,886) BIA funding deficiency from the initial agreements in 1992 that were cut in 1996 and never restored. We consider these cuts of (8.2%) to be funds that the federal government has had a moral responsibility to restore to our Compact. This has not been done. Instead we are now faced with additional Sequestration reductions of (5.2%) for 2013 that further endangers the provision of services guaranteed by Treaty to our Tribal members. We simply cannot function with cuts totaling 13.4% to programs that are key to the provision of equitable services on the Port Gamble S'Klallam reservation. Cuts of this magnitude raise the concern of possible retrocession of programs to the federal government if local funding levels continue to be compromised to this degree.

Our testimony addresses four particular program areas for which the Tribe urges that Congress provide, restore, or retain funding in FY 2014:

1. Contract Support Cost Claims.

The Administration's Budget proposes wiping out all contract support cost claims in FY 2014. This provision effectively amends the Indian Self-Determination Act to wipe out the damages remedy which Congress provided in Section 110.

> The National Congress of American Indians and the Tribe oppose the Administration's unilateral proposal, in its FY 2014 budget request, to fundamentally alter the nature of tribal self-governance by implementing individual statutory tribal caps on the payment of contract support costs. Contract support cost funding is essential to the operation of contracted federal programs administered under federally issued indirect cost rate agreements. No change of such a fundamental character should be implemented until there has been a thorough consultation and study process jointly undertaken by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and tribal leaders, informed by a joint technical working group and coordinated through NCAI. Such a consultation process must be scheduled to permit opportunity for full tribal participation. While the Tribe and the NCAI believes that overall statutory caps on contract support costs should be eliminated, at the very least Congress should maintain in FY 2014 and FY 2015 the status quo statutory language enacted in FY 2013 so that tribally-developed changes in contract support cost funding mechanisms, if any, can be included in the FY 2016 Budget. In the meantime, NCAI calls upon the Senate and House authorizing committees to conduct oversight hearings on contract support costs.

We are advised that a judicial remedy for any underpayment permits a cap to withstand legal, and constitutional, scrutiny. But once that relief valve is shut off, the risk of unconstitutional action rises. In *Cherokee Nation v. Leavitt*, the Supreme Court warned that "[a] statute that retroactively repudiates the Government's contractual obligation may violate the Constitution." 543 U.S. 631, 646 (2005).

The Administration's Budget also proposes underfunding IHS by approximately $140 million. We recommend that you urge full funding of contract support costs, consistent with the recent rulings of the Supreme Court in the *Ramah Navajo* litigation.

2. Higher Education Assistance.

Prior to self-governance, and for over 150 years of BIA management, we are aware of only two Port Gamble S'Klallam members who graduated from college. BIA funding for higher education is so meager that the Tribe must rely on its own limited resources to fund the 24 students enrolled in college each year. The Tribe receives only $28,733 per year in TPA funding to provide college tuition assistance to its membership (less than $1,200 for each student). However, since entering self-governance in 1992, the Tribe has assisted 31 members to receive their Bachelor of Arts degrees, including two who received their teaching certificates and are teaching in our local school district. We now have a Tribal member that has graduated from Seattle University and currently serves as our Tribal Attorney, and two others with Masters Degrees. However, we are currently unable to fund requests by many tribal members to attend graduate school.

The Tribe requests an additional $125,000 in basic college tuition support to partner with the Tribe to assist the 24 tribal members currently enrolled in higher education and the 50 who are prepared to enroll.

3. Tribal Court Funding.

The Port Gamble S'Klallam Tribe operates a tribal court, which hears and decides cases in a full range of criminal and civil subject matters. Our judicial system works in concert with federal, state and tribal law enforcement to address the inter-jurisdictional problems associated with enforcement of child abuse, drug crimes, and child support on the Reservation. Congress funds these activities for $37,000 per year. This level of funding for a full service court is unacceptable.

We urge Congress to provide additional FY 2014 funding of $147,000 per year for our Tribal Courts.

4. Restoration of 1996 Federal Funding Cuts.

The Tribe entered into negotiations in 1992 to take over the administration of Federal funds dedicated to services that must be furnished pursuant to the Point No Point Treaty of 1855. We negotiated these funding levels after careful consideration and with the advise of learned consultants in the delivery of programs to Native Americans. The cuts of over 13% in 1996 devastated these plans and seemed to be an affront to the mutual understandings agreed to in 1992. We still suffer from the lack of annual funding of $238.886 that could have brought major positive changes to our reservation. Please do not abandon these pledges that we felt we made and agreed to in good faith.

Thank you for this opportunity to submit this testimony on FY 2014 funding for tribal programs in the BIA and IHS. We appreciate the consideration of these requests by the Port Gamble S'Klallam Tribe.

OFFICIAL TESTIMONY OF
JEFFREY R. BENOIT
PRESIDENT AND CEO, RESTORE AMERICA'S ESTUARIES

FISCAL YEAR 2014 INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS
COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES

April 25, 2013

Restore America's Estuaries is a nonpartisan, nonprofit organization that has been working since 1995 to restore our nation's greatest estuaries. Our mission is to preserve the nation's network of estuaries by protecting and restoring the lands and waters essential to the richness and diversity of coastal life. Restore America's Estuaries is a national alliance of 11 community-based organizations that protect and restore coastal and estuarine habitat. Our 11 member organizations include: American Littoral Society, Chesapeake Bay Foundation, Coalition to Restore Coastal Louisiana, Save the Sound—a program of the Connecticut Fund for the Environment, Conservation Law Foundation, EarthCorps, Galveston Bay Foundation, North Carolina Coastal Federation, Save The Bay—San Francisco, Save the Bay—Narragansett Bay, and Tampa Bay Watch. Collectively, we have over 250,000 members nationwide.

For fiscal year 2014, Restore America's Estuaries supports the following coastal programs and funding levels within the Department of Interior and Environmental Protection Agency that are at the level of the FY 2014 President's Request:

USFWS Coastal Program	**$ 14.948 million**
USEPA National Estuary Program	**$ 27.227 million**

USFWS COASTAL PROGRAM

The Coastal Program is a voluntary, incentive-based program that provides technical and financial assistance to coastal communities and landowners to protect and restore fish and wildlife habitat on public and private lands. The Coastal Program works with other Federal, State, local, and non-governmental partners and private landowners to deliver strategic habitat protection and restoration for the benefit of Federal trust species.

Support for the management and stewardship of our coastal ecosystems that bridge land and sea has never been more important due to the accelerating pace of environmental change now occurring. While environmental degradation of estuaries has continued in recent years, the Coastal Program has been a key program aimed at on-the-ground habitat restoration. Despite the program's relatively small cost – it is having a huge impact on-the-ground. A recent estimate by USFWS Coastal Program staff show that the program leverages $8 non-Federal dollars for every Federal dollar spent – this makes the Coastal Program one of the most cost-effective habitat restoration programs within the U.S. Fish and Wildlife Service.

Restore America's Estuaries has enjoyed a collaborative relationship, with the Coastal Program for many years. The nature and scope of our partnership spans the national and local levels as we work with CP headquarters on long-term issues, and locally the program works with our member groups through Regional CP staff to conduct on-the-ground habitat restoration.

As an example of a true partnership, the Coastal Program recently worked with RAE member Save The Bay – San Francisco as well as the San Francisco Bay National Wildlife Refuge to restore salt marsh on Bair Island. This project is helping to provide critical habitat for a variety of species, including the endangered California clapper rail and the salt marsh harvest mouse, and a number of birds that traverse the area on their journey across the Pacific.

On the East Coast, the Coastal Program assisted RAE member Chesapeake Bay Foundation to choose and prepare a site to plant redhead grass near the Magothy River in Maryland. This is a good example of the invaluable technical assistance that the Coastal Program is able to provide to a non-governmental organization, which can then better restore habitat for numerous migratory bird and interjurisdictional fish species.

In the Gulf, the Coastal Program worked side-by-side with RAE member Galveston Bay Foundation to construct geotextile tube offshore breakwaters on Snake Island Cove. This effort has led to the protection of 200 acres of estuarine marsh from erosion and the creation of a 65 acre calm shallow water area conducive to seagrass restoration.

The Coastal Program also is essential in efforts to restore fish passage of anadromous fish populations and restore riverine habitat. RAE member Conservation Law Foundation worked with the Coastal Program and other regional partners to support the removal of dams along the Penobscot River as well as install fishways to restore native Atlantic salmon.

Restore America's Estuaries urges your continued support and funding for USFWS Coastal Program. This program delivers habitat protection and restoration in priority coastal areas on both public and private lands through partnerships with other Service programs, Federal agencies, state and local agencies, tribal governments and native corporations, non-governmental organizations, universities, corporations and private landowners.

Further, we believe that the Coastal Program's ability to work with coastal communities and landowners on *both* public and private lands has been key to the program's ability to deliver

restoration of priority coastal habitats, including coral reefs, shorelines, marshes, wetlands, uplands, and rivers and streams.

USEPA NATIONAL ESTUARY PROGRAM

The National Estuary Program is a non-regulatory, network of voluntary community-based programs that safeguards the health of important coastal ecosystems across the country program. The program utilizes a consensus-building process to identify goals, objectives, and actions that reflect local environmental and economic priorities.

Currently there are 28 estuaries located along the Atlantic, Gulf, and Pacific coasts and in Puerto Rico that have been designated as estuaries of national significance. Each NEP focuses it work within a particular place or boundary called a study area which includes the estuary, and surrounding watershed.

Restore America's Estuaries urges your continued support of the NEP and ask that you continue to invest directly in the stewardship of our nation's coasts by ensuring that the authorized amount of $27.227 million be provided for the NEP for FY 2014, and that of these funds each of the 28 NEPs in the field receive about $600,000.

CONCLUSION

Restore America's Estuaries greatly appreciates the support this Subcommittee has provided for these important programs. These programs help to accomplish on-the-ground restoration work which results in major benefits:

1. **Economic Growth & Jobs** – Coastal habitat restoration creates between 17 and 33 direct jobs for each million dollars invested depending on the type of restoration. That's more than twice as many jobs as the oil and gas sector and road constructions industries combined. The restored area supports increased tourism and valuable ecosystem services.
2. **Huge Leverage** – From 2005 to 2012, federal investment in the USFWS Coastal Program leveraged non-federal dollars at a ratio of 8 to 1. In a time of shrinking resources, these are rates of return we cannot afford to ignore and help to accomplish more on-the-ground conservation.
3. **Resiliency** – Restoring coastal wetlands can help knock down storm waves and reduce devastating storm surges before they reach the people and property along the shore.

We appreciate your taking our requests into consideration as you move forward in the FY2014 appropriations process and look forward to working with you to ensure the health of our Nation's estuaries and coasts.

April 25, 2013
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Rose Soulier, Chairperson
Red Cliff Band of Lake Superior Chippewa

Fisheries

The Red Cliff Band of Lake Superior Chippewa Indians is requesting Rights Protection Implementation (RPI) funding through BIA and the Department of the Interior. Red Cliff operates an off-reservation, treaty rights protected commercial fishery in Lake Superior. Red Cliff has co-management responsibility of the Wisconsin fishery through court-ordered agreement, but the Tribe does not receive off-reservation resource management funding through BIA to support this role on Lake Superior. Annual RPI funding support of $250,000 is requested to perform the numerous duties associated with fishery co-management.

The Red Cliff Band of Lake Superior Chippewa is obligated through court-ordered agreement to provide co-management responsibility of Lake Superior's commercial fishery in Wisconsin. Co-management responsibilities fall under the Tribe's Fisheries Department, which is responsible to license and monitor the 44 commercially licensed fish vessels at Red Cliff. Oversight of the commercial fishery requires at the minimum a Fish Biologist, 2 Fishery Monitors, 2 Wardens and an Office Manager.

Red Cliff Fisheries also performs assessments of target fish species aboard the research vessel. In 2012, over 25 days were spent lifting assessment nets on the research vessel. Data from Red Cliff's fish assessments are tabulated along with catch reports provided by the tribal fishermen. These two data sets are fed into a Statistical Catch at Age (SCAA) model that estimates fish abundance and sets safe harvest levels of target species. Modeling fish populations ensures a sustainable fishery is preserved for all user groups on the lake.

The enormity and cost of this tribal program is staggering. In 2012, nearly 1.5 million dressed pounds of lake trout, whitefish and herring were harvested by Red Cliff fishermen. Red Cliff vessels are licensed in Wisconsin and Michigan, and fishing occurs over hundreds of thousands of surface acres. Staff needs include having a Monitor present on the fishing boats to observe catch, and having Wardens enforce the fishing codes by patrolling 6 different docks in two states. The Wardens also utilize grid patrols on the lake to confirm net locations by boat. Research requires the upkeep and maintenance of a 35' research vessel, and considerable time is devoted back at the lab after samples are collected. When research nets are lifted, a minimum of 5 staff are needed on the boat. Staff costs, fuel, and equipment upkeep are considerable expenses for a program of this size, scope and area.

Yet there is no BIA funding to this tribal program! Commercial fishing is an economic driver to rural Northern Wisconsin and the Upper Peninsula of Michigan. Lack of support to the regulatory side of this important tribal enterprise has consequences. Tourism is also important to the economy of the region, and sport fishing is dependent on the same fish species that are managed for commercial harvest. Sustainability is an increasingly difficult objective when resources are not allocated to properly address management and regulation of appropriate harvest levels. Allocating RPI funding to Red Cliff equates to long-term protection of one of the last great sustainable catches of wild fish in North America, on the most pristine freshwater sea in the world.

Child Protection Family Preservation/Indian Child Welfare and Mental Health

The Red Cliff Band of Lake Superior Chippewa Indians is requesting Child Protection Family Preservation/Indian Child Welfare and Mental Health funding through the Bureau of Indian Affairs. Our Indian Child Welfare Department works to protect and preserve our Indian Children and Families. Red Cliff has administered the Indian Child Welfare Department since the early 1980's with very limited resources. The current funding level of $58,301 does not address the need effectively to protect our Tribal children and preserve our Tribal families. Annual funding support of $200,000 is requested to augment and expand vital mental health related child protection and family preservation services.

The Indian Child Welfare Department operates with one Case Worker, Director and an Administrative Assistant. They provide child protection services to an average of 83 cases per month effecting over 90 children on and off reservation. Approximately 95% of our ICW cases have either alcohol issues and or mental health disorders which range in severity from minor functionality to depression to chronic mental illness.

AODA and or Mental Health issues affecting our families are primarily generational. Parents have learned their coping and parenting skills from their primary care givers having developed the process to parent often from dysfunctioning adults who are either self medicating and under extreme stress, suffering from their own addictions or mental health issues. These patterns continue despite the fact that they are not functional or effective. The children suffer from the lack of consistent discipline, well defined boundaries and rules, and often are not guided into a contributing role within the family. Without adequate resources for intervention, these patterns often follow the child throughout their lives or until treatment is provided, creating both a social and economic strain upon systems of care and justice, and the cycle is perpetuated for another generation. The needs are self evident, we are under staffed, and our department is underfunded, causing a lack of resources to offer families who are in need of services.

This also hinders our ability to properly respond at times to families wbo have layers of need.

The ICW Department works with an average of 31 families informally per month, allowing more flexibility in service. These types of service often prevent the need for court intervention for abuse and or neglect.

With additional funding, the Department will address staffing issues, implement the types of programming and supportive services that address mental health issues in a culturally appropriate manner, provide preventative services to our children and families, ultimately saving valuable resources and will most effectively benefit our affected children, family and community.

We urge you to take action to uphold the spirit of legislation and the trust obligation to Native Americans and provide adequate funding to enable our tribe to provide supportive services, to protect our children and preserve our tribal families which will contribute monumentally to the health and wellbeing of our tribal nation.

The Hope Light Foundation
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Written Testimony Submitted April 25, 2013

To The U.S. House of Representatives Appropriations Committee

Rudy Bess, Founding Director

The Hope Light foundation

My testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program **(FY 2014 PB: $2.3M, FY 2012 Enacted: $3.9M, FY 2014 Change: -$1.6M)**, a divestment of $1.6 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2014 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2014 Change: -$8.0M.), a divestment of $8.0 million eliminates State Indoor Radon Grants (SIRG.)

I submit this written testimony upon behalf of The Hope Light Foundation and the communities we serve. The Hope Light Foundation is a 501(c)(3) nonprofit Public Charity with a mission to communicate all-cancers awareness information to help in cancer prevention, early cancer detection and survivorship. We are not a recipient of EPA Grants, however, we do recognize that unless we have a rule for testing homes for sale or occupancy, many lives could be lost unnecessarily due to lung cancer. This testing requirement is especially critical in rural areas that lack knowledge of radon and its relation to lung cancer. With radon education and outreach programs, radon professionals could communicate the need for testing to the general public with a focus on rural communities that have illiterate, multi-race/ethnic residents with low education levels, low socioeconomic status and limited knowledge of lung cancer and its causes, e.g., radon gas.

The US Surgeon General and EPA estimate that radon causes more than 21,000 lung cancer deaths each year. Only smoking causes more lung cancer deaths, and if a person smokes and has elevated radon levels in their home – their risk of lung cancer is significantly higher. Radon has been found in elevated levels in every state. No area of our country is risk-free. Nationwide, 1 in 15 homes test above the action level established by EPA of 4.0 picocuries per liter of air (pCi/L). This means that approximately 7% of our population is exposed daily to toxic levels of radioactive radon, or more than 22 million Americans.

It is my understanding that the following efforts will be reduced or completely eliminated if State Indoor Radon Grant (SIRG) programs are cut as proposed. This cut would cripple the National radon program's public outreach and education activities and will severely impact radon risk reduction in America.

- Community Outreach Activities (e.g., NRAM, Poster Contest). 64.7 %
- Educational Events (e.g., Webinars, Trade Shows, Presentations). 62.7 %
- Our outreach portion of our program will be eliminated without SIRG. 54.9 %
- Sub-Grants to Local Governments or Non Profits. 51 %
- State Outreach Campaigns (e.g., Public Service Announcements, Media Publications). 49%.
- **American Association of Radon Scientists and Technologists, Inc. (AARST) program will be eliminated without SIRG. 47.1%**
- Print Resources (e.g., Brochures, Factsheets). 45.1%
- Online Resources (e.g., Website, Social Media). 23.5%
- Others. 17.6%

We cannot afford to lose the above efforts due to their being critically important to connecting with individuals who do not understand the importance of radon testing, mitigation, and the unnecessary risks of living with, working with, or breathing elevated indoor radon. With these programs, many lives can be saved.

As a result, The Hope Light Foundation recommends the following to the House Appropriations Committee:

1. Restore EPA's State Indoor Radon Grant (SIRG) and national radon program for at least five years as reauthorization IRAA is considered.

2. Increase the SIRG budget by at least 50% which will provide more resources for local radon initiatives, outreach, and education.

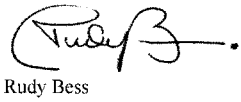
3. Adequately fund EPA's Federal Radon Action Plan and request agency reports on their programs and progress to date.

4. Restore EPA Regional Radon funding to oversee SIRG

5. Request that EPA adopt the World Health Organization (WHO) recommendation for radon action level. The WHO's 2009 report recommends a reference level of 2.7 pCi/L. Adopting this recommendation could potentially save 10,000 lives each year, while creating more than $2 trillion in annual healthcare savings.

6. Under Section 2670 of IRAA, Congress granted the EPA administrator the authority to promulgate regulations to meet the goals of the Act. The AARST recommends that EPA should create a rule that for every home sale or home occupancy permit guaranteed by a federal loan, a radon test shall be required.

Respectfully,



Rudy Bess
Founding Director-The Hope Light Foundation

The Hope Light Foundation
"Lighting the Way"

SAA

SOCIETY FOR AMERICAN ARCHAEOLOGY

Testimony of Dr. Jeffrey Altschul
President, Society of American Archaeology
Before the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
On the Department of Interior's FY2014 Budget Request

April 24, 2013

The Society for American Archaeology (SAA) welcomes this opportunity to submit testimony to the subcommittee and would like to thank the panel for its support of the research, interpretation, and protection of American's archaeological heritage.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

SAA recognizes the extraordinary fiscal challenges facing the nation. It is imperative that every federal dollar be spent wisely. The federal government must also, however, carry out its responsibilities in the proper stewardship of the cultural resources under its purview. Inadequate funding or outright cuts for heritage programs will put cultural resources at risk, and place further strain on the regulatory framework under the National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA), with the predictable outcome of slowing federal projects, permits, and licenses. Cuts will thus produce a net negative economic outcome.

NATIONAL PARK SERVICE—Park Base Operations, Cultural Resource Stewardship

NPS cultural resource stewardship activities within Base Operations provide the research, training, and management activities necessary to preserve and protect some of the nation's most important archaeological, historic, and cultural resources, both on site and in museum collections. The challenges facing NPS in maintaining the integrity of these resources are great. The impacts on sites and materials from climate change, for example, are being felt now. With each year that we delay in addressing their effects, our heritage suffers and the costs to remediating those effects increase, if they can be remediated at all. Adding to the difficulty is a long-standing, structural decline in NPS cultural resources staffing. The regional support centers have not had a base increase in funding for twenty years. Many archaeologist positions in the centers and individual parks are vacant. The Western Archaeological and Conservation Center, for one, has not had an archaeologist on staff for more than a decade. The NPS archaeological workforce is, in short, gradually being hollowed out.

It is very troubling that the FY2014 budget calls for a reduction of $1 million and nine full-time employees (FTEs) in cultural resource base operations while devoting, in the same sub-activity, more than $2 million to the increase of Geographic Information System support to the parks. We believe this initiative, though important, is premature given the larger situation. SAA requests that the GIS effort be delayed, and its $2.1 million be used to fill vacant archaeologist positions and offset the proposed reduction of FTEs in the cultural resource stewardship portion of Park Base Operations.

NATIONAL PARK SERVICE—National Recreation and Preservation Cultural Programs

NPS National Register Programs are vital for the technical assistance and other support they provide for resource protection within parks, to other federal agencies, and to state, tribal, and private sector stakeholders. These programs assist communities in preserving their significant historical and archaeological properties. The archaeological component works to identify, document, and inventory archaeological resources in parks; produces archaeological technical and programmatic publications; implements regulations for protecting archaeological resources; and assists other agencies through program development and training.

Our primary concern is that funding levels for the National Register Programs (NRP) have been flat for a number of years. The resulting erosion of spending power makes it increasingly difficult for these offices to protect historic resources in the national parks and elsewhere. Staffing is major problem in this function as well, often due to open positions going unfilled. The Northeast and National Capital Regions are at critical levels for archaeological personnel. While we appreciate the President's proposed increase of $146,000 for FY2014, it is simply not adequate given the scale of the tasks facing the NRP. SAA supports an appropriation of $18 million for the NRP as a first step in reversing the spending and staffing decline.

HISTORIC PRESERVATION FUND

The Historic Preservation Fund provides support to state and tribal historic preservation offices and provides matching grants to states to catalog and preserve historic resources. The HPF is a crucial part of the effort to preserve and protect the nation's cultural heritage, yet appropriations have almost always been a small fraction of the Fund's authorized level. In keeping with this unfortunate tradition, the President's request for level funding for the states and tribes is not sufficient to ensure the maximal effectiveness of their historic preservation programs. These programs must be provided with adequate funding to meet their increasing regulatory workloads under Section 106 of the National Historic Preservation Act. Funding for Tribal Historic Preservation Offices (THPOs), in particular, has not kept pace with the number of new THPOs added each year. With the addition of each new THPO, and allowing for inflation, less and less funding is actually reaching individual offices. In FY2010, 100 THPOs received an average grant of $72,500. In FY2012, 131 THPOs received an average grant of $63,934.

SAA supports an appropriation of $50 million for the states and $10 million for the tribes, increases of 6.6% and 11.3%, respectively. SAA also supports the administration's request of $3 million for communities currently under-represented on the National Register to survey and nominate their historic properties.

NAGPRA GRANTS PROGRAM

The NAGPRA Grants Program serves a critical purpose. The funding it provides is often the only resource available to Indian tribes, Native Hawaiian organizations, and museums to facilitate repatriation of culturally affiliated human remains, funerary objects, sacred objects, and objects of cultural patrimony under the NAGPRA statute.

Unfortunately, funding for the Grants Program does not meet demand. As detailed in the reports by the National NAGPRA Program and NAGPRA Review Committee to Congress, the total number of grant proposals received by the program has always well exceeded the program's resources. If grant funding is not increased, the collaboration and consultation between tribes, museums and scientific groups that the statute has helped foster on this important and sensitive matter will falter. The budget's proposed $1.74 million for the program, the same amount as in FY2012, is inadequate. SAA urges that the National NAGPRA Grants Program receive $2 million for FY2014, in order to provide the assistance needed to carry out the applicable portions of the law.

BUREAU OF LAND MANAGEMENT—Cultural Resources Management

The Bureau of Land Management (BLM) administers the nation's largest public land area. Less than ten percent of the agency's land, however, has been evaluated for archaeological and other heritage resources. BLM cultural heritage staff archaeologists do an outstanding job, yet they face a huge backlog of inventories, stabilization projects, interpretive projects, and collections management projects. Just as important, these personnel are key components of the federal regulatory framework. Without adequate expert staff and appropriate resources, development projects such as pipelines, transmission lines, mines, and solar and wind farms will at best be delayed, and at worst be subject to litigation from stakeholders who believe that cultural resources were inadequately addressed. SAA recognizes that the administration's budget includes a modest increase of $225 thousand over FY2012 levels. While we applaud that request, we believe that an increase of $1 million would help ensure that the agency can meet all its cultural resource obligations.

BUREAU OF LAND MANAGEMENT—National Landscape Conservation System

The National Landscape Conservation System (NLCS) contains an extensive and diverse array of the nation's archaeological and cultural resources. Nevertheless, as with so many other programs, the funding needed to implement proper stewardship is lacking. The NLCS contains places and landscapes that are visited by large numbers of people. While we are encouraged to see so many visitors enjoying the outdoors in their public lands, the traffic places nearby archaeological resources in jeopardy, unless adequate protections are implemented. SAA strongly supports the $6 million increase for the NLCS contained in the FY2014 budget request. This additional funding will enable BLM to bring more personnel and effective management strategies online, to ensure that the natural and cultural resources in the NLCS will be preserved.

US FOREST SERVICE—Recreation, Heritage, and Wilderness

The President's budget calls for $260.7 million for FY2014 for the Recreation, Heritage, and Wilderness section, a reduction of $22.1 million from FY2012. This would include a funding level of $31.2 million Heritage Resources, with a cut of $2.6 million. It also requests a reduction of 60 FTEs.

The mission of USFS Heritage Resources is to provide stewardship and preservation of the cultural resources located within and upon Forest Service land. It does this through both direct management and key investments in public-private partnerships such as the Passport in Time program. The budget request seems to be anticipating savings from the recently-adopted Managed to Standard measure, which is a performance metric intended to provide an evaluation of known cultural sites in order to enable more efficient management activities. It is possible that the new Standard will result in a more cost-effective stewardship environment. Nevertheless, to reduce funding when the new National Land Management Planning Rule is still in the early stages of implementation, and the USFS is in the process of developing a more comprehensive approach to tribal consultation and preservation of tribal sacred sites, would seem to be premature. Further, just as with other agencies, USFS cultural heritage staff personnel play a crucial role in the implementation of the public lands regulatory process. The administration's proposed reductions will hamper the effectiveness of the agency's work at an important time. SAA urges the subcommittee not to adopt the cuts.

CONCLUSION

SAA believes that protecting the archaeological heritage of our nation is important. We must do what is necessary to keep archaeological resources from being eroded through simple neglect. We also need to ensure that our country's regulatory process is not impeded due to lack of qualified personnel. The programs mentioned above provide jobs, encourage recreation, and improve education. Congress has mandated that federal agencies must address these issues. It is only through the continued support of this subcommittee that agencies will be able to fulfill these mandates and merit the trust placed in them by the American people.

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
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April 25, 2013

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2014 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the states of Colorado, New Mexico, Utah and Wyoming, Indian Tribes, federal agencies and water, power and environmental interests. The two programs are working to recover the four species of native Colorado River fish such that they can each be removed from the federal endangered species list.

Through these efforts, water use and development has continued in our growing western communities in full compliance with the Endangered Species Act (ESA), state water and wildlife law, and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. Recognizing the need for fiscal responsibility, I must also point out the participants would all be spending much more in ESA-related costs absent in these programs.

The State of New Mexico requests action by the Subcommittee to:

1. Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species

Program Element; within the "Recovery" line item) for fiscal year 2014 to allow the U.S. Fish and Wildlife Service (FWS) Region 6 to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate $200,000 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element; within the "Recovery" line item) to allow FWS Region 2 to continue its essential participation in the San Juan River Basin Recovery Implementation Program during fiscal year 2014.

3. Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the "National Fish Hatchery System Operations" line item) for fiscal year 2014 endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

On behalf of the State of New Mexico, I thank you for your consideration of this request and for the past support and assistance of your Subcommittee; it has greatly facilitated the ongoing and continuing success of these multi-state, multi-agency programs that are vital to the recovery of the endangered fish and providing necessary water supplies for the growing Intermountain West.

Sincerely,

Scott A. Verhines

Scott A. Verhines, P.E.
New Mexico State Engineer

SAV:kgf/kme

cc: Representative Steve Pearce
Representative Ben Ray Lujan
Representative Michelle Lujan Grisham

Written Testimony Submitted March 25, 2013
To The U.S. House of Representatives Appropriations Committee
Shawn Price, President
American Association of Radon Scientists and Technologists, Inc (AARST)

My testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program (**FY 2014 PB: $2.3M, FY 2012 Enacted: $3.9M, FY 2014 Change: -$1.6M**), a divestment of $1.6 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2014 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2014 Change: -$8.0M.), a divestment of $8.0 million eliminates State Indoor Radon Grants (SIRG.)

I submit this written testimony upon behalf of the membership of the American Association of Radon Scientists and Technologists, Inc. (AARST) and the public we serve. AARST is a professional and ANSI certified standards writing organization [501 (c) (6)] that *has not been* and *is not* a recipient of EPA grants. While we are not a recipient of grants, we do recognize that lacking a rule requiring testing for home sale or occupancy, that state public education and outreach efforts do benefit our professionals. Indeed, I premise that state radon public education efforts are essential for the economic sustainability of the small radon profession of nearly 3,000 professionals nationwide.

My testimony specifically concerns the SIRG portion of these cuts, however, first I want to go on record about radon gas.

Radon is a naturally-occurring, radioactive gas released in rock, soil, and water from the natural decay of uranium. Exposure to radon is the leading cause of lung cancer in our country among non-smokers, second only to smoking. Separated from smoking, radon induced lung cancer would be the 7th leading cause of cancer mortality[1] (after leukemia) in the United States and yet no U.S. research dollars are even allocated to this disease.

The US Surgeon General and EPA estimate that radon causes more than 21,000 lung cancer deaths each year. Only smoking causes more lung cancer deaths, and if a person smokes <u>and</u> has elevated radon levels in their home – their risk of lung cancer is significantly higher. Radon has been found in elevated levels in every state. No area of our country is risk-free. Nationwide, 1 in 15 homes test above the action level established by EPA of 4.0 picocuries per liter of air (pCi/L). This means that approximately <u>7% of our population is exposed daily to toxic levels of radioactive radon, or more than 22 million Americans</u>. We note the title of the 2008 EPA Inspector General's Report "**<u>More Action Needed to Protect Public from Indoor Radon</u>**

[1] Dr. William Field's radon presentation to the 2008 President's Cancer Panel

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Risks"[2] and that a key finding of this report is stated: "Each year, the problem of indoor radon exposure grows worse as more new homes with elevated indoor radon are added to the nation's housing stock than are mitigated."

Our State Radon Programs Are Not Ready or Prepared to Take Over Federal Efforts

In its budget transmittal to Congress and in subsequent public statements, the EPA has stated that state programs are ready after 20 years to accomplish radon risk reduction efforts on their own on their own and that difficult choices had to be made when balancing environmental protection and budget restraints.

Contrary to these statements, state programs have not been prepared for this independence and therefore cuts to the State Indoor Radon Grant programs will severely impact radon risk reduction in America. AARST fully supports our public counterparts and their efforts under the SIRG and STAG grant allocations.

Impact on State Grant Programs

A recent survey of state and local impact statements from partially regulated states[3] and non-regulated states was taken one year ago when EPA proposed nearly identical cuts to their FY2013 budget. The results were shared with EPA, although it is obvious that the staff in charge of the budget proposals paid no attention to the survey or data gathered by a unit of Kansas State University.

The most recent FY *2014 EPA Budget in Brief* states:

> "EPA is proposing to eliminate these grants. This is a mature program that has achieved significant progress over the 23 years of its existence in mitigating radon exposure and building capacity at the local and state government level to continue radon protection efforts without federal support."

Had EPA budget officials actually read the results of the survey they would have seen that the impacts of SIRG elimination would cripple the National radon program's public outreach and education activities. Here are some excerpts from the survey:

Question 2: What outreach efforts will be reduced or completely eliminated?
49 -respondents

- Community Outreach Activities (e.g., NRAM, Poster Contest). 64.7 %
- Educational Events (e.g., Webinars, Trade Shows, Presentations). 62.7 %
- Our outreach portion of our program will be eliminated without SIRG. 54.9 %
- Sub-Grants to Local Governments or Non Profits. 51 %

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[2] http://www.epa.gov/oig/reports/2008/20080603-08-P-0174.pdf

- State Outreach Campaigns (e.g., Public Service Announcements, Media Publications). 49%.
- **Our program will be eliminated without SIRG. 47.1%**
  (when you include states that checked items 1,2,3,4 –add 16 more = 79%)
- Print Resources (e.g., Brochures, Factsheets). 45.1%
- Online Resources (e.g., Website, Social Media). 23.5%
- Other (please specify).17.6%

Question 3: What technical resources will be reduced or eliminated?
50 respondents
- Trainings/Conferences Conducted 60.0%
- Studies or Surveys 52.0%
- Contractor Assistance 52.0%
- **Program eliminated without SIRG 48.0%**
- State Radon Hotline 32.0%
- Other –(please specify) 28.0%

Question 6: Will you be able to continue providing test kits and testing information?
49 respondents
- NO 76%
- YES at reduced level 20%
- YES same level 0%'
- NA 4%

Question 9: Will you let staff go without SIRG funding?
51 respondents
- **YES 53%**
- NO 47%

Question 11: What is your greatest concern if SIRG is eliminated?
47 respondents
- loss of momentum
- elimination of program
- elimination of outreach activities
- loss of staff-members

The information was clear that the vital education and awareness that happens through pass-through grants and cooperative agreements at the local level will be all but lost. We cannot connect with individuals from an office building in Washington, or from a State Capitol building, as the effective communications have to be done from within the community. SIRG funds do indeed originate in Washington, get passed through the EPA Regional offices and into each State. But it continues farther down into the community through **partnerships with city and county health departments, cooperative extension offices, non-profit partners such as the**

American Lung Association regional offices, etc. We cannot lose these efforts because that is the only way of connecting with individuals who still do not completely understand the importance of radon testing, mitigation, and the unnecessary risks of living with, working with, or breathing elevated indoor radon.

The main problem that I have with the elimination of the State Indoor Radon Grants (SIRG) is that there have been no preparations, no dialogue, no support at all to ensure that the state radon programs will continue to operate. The EPA is mis-informing Congress by stating that the states are ready to stand on their own.

SIRG should not be eliminated, until such time that States have a chance to prepare for that future.

Recommendations to the House Appropriations Committee from the AARST

1. Restore EPA's State Indoor Radon Grant (SIRG) and national radon program for at least five years as reauthorization IRAA is considered.
2. Increase the SIRG budget by at least 50% which will provide more resources for local radon initiatives, outreach, and education.
3. Adequately fund EPA's Federal Radon Action Plan and request agency reports on their programs and progress to date.
4. Restore EPA Regional Radon funding to oversee SIRG
5. Request that EPA adopt the World Health Organization (WHO) recommendation for radon action level. The WHO's 2009 report recommends a reference level of 2.7 pCi/L. Adopting this recommendation could potentially save 10,000 lives each year, while creating more than $2 trillion in annual healthcare savings.
6. Under Section 2670 of IRAA, Congress granted the EPA administrator the authority to promulgate regulations to meet the goals of the Act. The AARST recommends that EPA should create a rule that for every home sale or home occupancy permit guaranteed by a federal loan, a radon test shall be required.

Respectfully,

Shawn Price
President

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Testimony of Tribal Chairman Robert Shepherd for Consideration by the U.S. House of Representatives, House Appropriations Committee
American Indian and Alaskan Native Public Hearing
Testimony of the Sisseton –Wahpeton Oyate of the Lake Traverse Reservation

Chairman Rogers and Committee members. Thank you for giving us the opportunity to present testimony regarding the 2014 budget.

As the Appropriations Committee, you have the combined obligations as committee members and as Representatives to the 29 states you represent. Within these 29 states, 18 have a total of 247 Federally Recognized Tribes that are located within their states, representing a total of 43% of tribes in our nation.

There are 19 committee members that do not have any federally recognized tribes in their state, which is one of the reasons why I wanted to make sure that these facts were known because the next two days you will be listening to testimonies that will bring to your attention, the proposed changes and drastic effects they will bring to all 567 Federally Recognized tribes. One of the most significant reminders, in all the testimonies you will hear and read is the federal obligation to all tribes.

As one of the 320 remaining Federally Recognized Tribes that do not have Congressional Representation at the Committee Table, and as one of the few remaining Treaty Tribes, my testimony today is to speak not only behalf of the Sisseton-Wahpeton Oyate, the Great Plains Region but to also remind the committee of the federal obligations to all federally recognized tribes that are not and cannot be considered as a category or program under discretionary, entitlement nor as a hindrance to the budget.

The Sisseton-Wahpeton Oyate was established by the 1867 Treaty that is still in effect today. Located in the northeast corner of South Dakota and southeast North Dakota, we have over 13,000 tribal citizens. Our resources include a land base of over 133,000 acres, and water.

The Sisseton Wahpeton Oyate is in strong opposition of the Administration's FY 2014 budget proposal and the current imposed cuts the sequestration has brought us.

Sequestration
Trust and treaty obligations to tribes should not be subject to sequestration. The sequester reductions to tribal programs undermine Indian treaty rights and obligations – treaties which were ratified under the Constitution and are considered the "supreme law of the land."

Our treaty specifically binds the United States Government to provide health care to the people of the Sisseton-Wahpeton Oyate. The United States Constitution itself states in Article VI., "This Constitution… and all treaties made… under the authority of the United States, shall be the Supreme laws of the land." Enforcing the continuation of these services are the Snyder Act of 1921 and the Transfer Act of 1955 for continuation of services and appropriation of funds to provide health services to Indian people for as long as the Federal-Indian trust relationship continues. The Indian Health Care Improvement Act enacted in 1976 is a legal cornerstone for providing health care to American Indian/Alaskan Native people. As chronically underfunded Indian Health Service is, it is unconscionable to not be exempt from the sequestration. In fact, it needs to fall under the exempt categories such as Social Security, Medicaid, CHIPs and Veteran benefits.

Tribal nations provide ongoing contributions of natural resources of the land and water to the US economy. In exchange, the United States agreed to protect tribal treaty rights, lands, and resources, including provision of certain services which is known as the federal Indian trust responsibility.

To agree and suggest such budget cuts without the conversation and consultation is blatant disregard of not only the trust obligations, but it thwarts tribes' ability to promote economic growth or plan for the future of Native children and coming generations. We have been historically underfunded leading to the domino effect of impoverished reservations, high crime and suicide rates, and inadequate healthcare.

Expected Impact
Inadequate funding has already resulted in evidence-based poor health and early death. Because of anticipated cuts Contract Health Service will be limited to Priority I. which is life or loss of limb threatening services only. Preventative and primary care also known as "womb to tomb" care will not be available which will only increase the already high early death rate. In South Dakota, the life expectancy for a Caucasian is 81 years of age, for an "Indian" it is 58 years of age.

The expected impacts to our P.L. 93-638 Programs that work with our local Indian Health Service are:

Community Health Representative Program
An estimated reduction of 1,075 less people served in the areas of diabetes, maternal and child health, health education, transportation, home patient care and monitoring through the Community Health Representative Program. This impact will only increase the already high infant mortality rates and further reduce life expectancy of our tribal members.

Dakota Pride Treatment Center
The difficult decision to choose between discontinuing youth intervention and aftercare services or transitional services for adults in the halfway house can only be considered as detrimental. Our treatment facility is a 30 day cycle, 12 bed in house, eight bed transitional housing State accredited chemical dependency service program for adults. In addition there is also outpatient treatment, aftercare and prevention services for youth and adults. Currently only outpatient services are available to juveniles.

Knowing the critical challenges and long term effects we have taken the initiative to battle these issues locally with our own resources to promote healthier lifestyles with available grants and tribal resources for example:

- We are working towards building a Community Justice and Rehabilitation center that will include juvenile treatment capabilities for adolescence in-patient and aggressive drug and alcohol preventative measures for our youth. With the rapid increase of serious drugs such as meth coming into the communities we cannot allow any of these services to lapse.

- Our health and fitness center offers preventative programs to community members including non-tribal citizens. A variety of fitness programs, diabetes prevention and nutrition classes are offered.

- Suicide prevention and awareness targeting our high risk youth have been increased by 100%.

- In-home health care services through our tribal elderly program, assists with medication, monitoring of vital signs, blood pressure, blood sugar and make referrals to IHS if there are any urgent health issues.

These examples are presented so the Committee Members understand that we are not only bringing problems to the table but we are also working towards solutions.

In closing, I would like to stress to the Committee Members, the federal obligations agreed to by the United States Government, we as Federally Recognized Tribes should be exempt from such budget cuts and sequestration.

Thank you

THE SENECA NATION OF INDIANS

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HOUSE APPROPRIATIONS SUBCOMMITTEE ON
April 24th and 25th Hearing: "BIA/IHS FY 2014 BUDGET REQUEST"

STATEMENT OF RODNEY PIERCE, TREASURER
SENECA NATION OF INDIANS

I. Introduction

This statement is hereby submitted by the Seneca Nation of Indians ("Seneca Nation" or "Nation") to apprise the Committee of the Nation's concerns over the Bureau of Indian Affairs' ("BIA") and Indian Health Service's ("IHS") budget request for Fiscal Year 2014 ("FY 2014"). The Seneca Nation is a federally recognized, self-governing Indian Nation located within its aboriginal territory in Western New York on three Reservations and two other tracts of land. We are the largest of six Native American nations in New York State which comprised the Iroquois Confederacy or Six Nations, a democratic government that pre-dates the United States Constitution. Today, the Nation has a population of over 8,000 enrolled members, to whom it is responsible for providing a vast array of services, as described in more detail throughout this testimony. We hope that the Subcommittee will consider the needs put forth by the Nation, and all of Indian Country, in considering the President's FY 2014 Budget Request for BIA and IHS.

II. President's Budget Request for FY 2014

A. BIA

The President's FY 2014 budget request for the BIA includes a modest increase of $31.3 million. While the funds will enable the BIA to address some of the needs of Indian communities and seeks to expand certain programs, it will not allow the BIA to fully address serious problems such as domestic violence, child welfare, welfare assistance, and human services in general. Tribes, including the Nation, need more financial resources to develop preventative services and to help protect Native children, who experience the second highest rate of child abuse and neglect. In FY 2012, the Nation received approximately $1.1 million in funding or roughly 16% toward the $6.7 million budget for all of its BIA programs. Furthermore, the sequester in FY 2013 resulted in a loss of approximately $55,000 in program funds. We are concerned that the Nation receives will never recoup those costs and the modest increase in the President's FY 2014 budget does not address that gap in funding.

B. IHS

The IHS, which depends solely on the federal budget and is crucial to providing necessary health care for tribal members, requires $26 billion to fully address the needs of Indian Country. However, the President's budget proposes just $4.4 billion, leaving the IHS severely underfunded. The Nation's overall health budget is $28.7 million, of which the Nation received approximately $12.2 million or 42% from IHS programs in FY 2012. The sequester in FY 2013 resulted in a loss in federal funding to the Nation of approximately $610,000. As a result of underfunding IHS and the sequester, funding disparities continue to exist between the IHS and other federal health programs that directly impact the Nation's health service. For example, funding per user of the IHS system averages a mere $572, while Medicare is funded at an average of $11,762 per beneficiary; veterans $7,091; and Medicaid $6,156. In order for the IHS to grow sufficiently to meet the needs of tribes, the federal government would need to commit an additional $2.2 billion to the IHS *each year* for the next ten years.

Furthermore, contract support costs should be fully funded to enable the Nation to provide the services it needs to provide. The inability to fill vital positions and programs requires the Nation to divert resources from other programs and services to cover the expenses, resulting in a great economic burden on the Nation that jeopardizes the health, welfare, and safety of the community. Failure to provide full contract support costs is a breach of contract obligation and a failure to honor the U.S. federal government's trust responsibility. Other areas that require additional funding include disabilities and mental health. The high incidence of mental health disorders, suicide, substance abuse, and behavior-related chronic diseases have a profound impact on the health of individuals, both on and off the Nation's territories. The Nation would greatly benefit from additional mental health program funding to support community-based clinical and preventative mental health services. Furthermore, 30% of Native American adults have a disability – the highest rate of any population group in the U.S. Of those with a disability, 51% have fair or poor health. Despite the need, tribes have limited access to funding for vocational rehabilitation and job training. Tribal governments must be put on par with states to better support disabled tribal members, improve their health and enable them to become self-sufficient. Access to funding for vocational rehabilitation and job training would greatly benefit all tribes, including the Nation, which is currently in the process of improving its own disability assistance program.

III. Nation Programs under BIA and IHS

In FY 2012, the Nation received approximately $1.1 million under the BIA budget to and $12.2 million under the IHS budget to help run several different programs to serve the needs of its members. Despite this assistance, it is not enough to enable the Nation to effectively serve its

members. As a result, the Nation funds a large majority of these programs. The following provides a brief summary of some of the programs run by the Nation, and the services they provide, that may be impacted by the BIA and/or IHS proposed budgets:

- ***Environmental Department*** - provides a wide array of services for the Nation's communities, along with regulating and permitting environmentally sensitive issues within all territories of the Seneca Nation. The purpose of this department is to protect the natural environment of the Seneca territories, to take affirmative action, to restore and enhance environmental quality in areas that have been subject to degradation, and to ensure that no proposed development that might cause significant environmental degradation will be permitted prior to the completion of a thorough environmental review in which alternatives and mitigation measures are fully considered. Environmental program activities are funded by a combination of federal grants and general funds.

- ***Tribal Advocate Program*** - provides various services to Nation members and their households that meet program guidelines. Services include electric or heating service assistance, rental assistance, minor home repair assistance, home energy assistance, transportation for medical, social services and legal appointments, emergency food pantry, and clothing pantry. The goal of the Tribal Advocate Program is to work with households that we serve to assist them when facing emergency situations to help them maintain or achieve safe and healthy living conditions.

- ***Health Department*** - the Nation's Health Department operates two community health centers that provide comprehensive primary care in the treatment and prevention of acute and chronic illnesses and/or injuries to all service-eligible Native Americans. The health program consists of five major components: Medical, Dental, Community Health, Human Services, and Contract Health Services. These components provide the following range of services: family health care, prenatal care, health maintenance and prevention screenings, well baby and child care, laboratory, pharmacy, nutrition and dietary counseling, family planning, health education, mental health and substance abuse counseling, outreach and environmental health. Supplemental urgent care is provided on a referral arrangement and contractual basis when a patient or client's needs cannot be met at the health centers.

- ***Disability Assistance Program*** - provides assistance to improve the general welfare of the Nation's members with disabilities and reduce the associated cost of health care services.

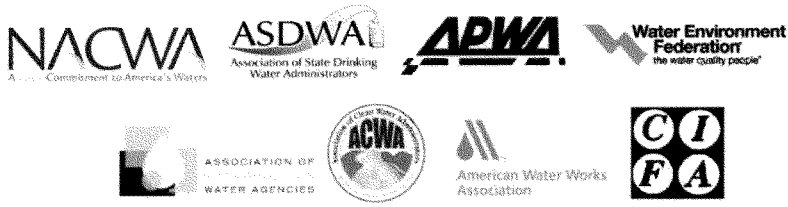
- ***Elders*** – provides expanded in-home service for the elderly, nutrition, exercise, senior support services and caregiver respite, minor home repair, daily trips, rides, medical transport, legal services, recreation/crafts, information and referral outreach and on-site dietitian. Native elders are kept in highest regard, but are also the most economically disadvantaged elderly minority in the U.S. Services for Native elders are essential and should be funded to the maximum extent possible.

- ***Early Childhood Learning*** – the Nation's Early Childhood Learning Center (ECLC) offers comprehensive child care and development services made possible through various local, state, and federal funding including SNI Tribal funds, NYS Child Care and Development Block Grant, Head Start and the Child and Adult Care Food Program. Medical services for the ECLC program are provided through the SNI Health Center, including physicals for most of the children attending our program. Our Head Start program also provides ongoing services from a mental health consultant, speech therapy, occupational therapy, physical therapy, social work and special education teachers. The ECLC also has a language staff that incorporates what the teaching staff is doing in order to present a linguistic and cultural twist to the curriculum.

As described above, the programs offered by the Nation with the support of federal funding greatly improves the quality of life for members of our community. The President's budget request should be carefully reviewed to ensure that it addresses the true needs facing Indian Country and further cuts to vital programs or elimination altogether should be avoided. In developing the FY 2014 budget, we encourage the federal government to balance the need to reduce the federal deficit while at the same time upholding its federal trust responsibility to Indian Nations, protecting treaty and statutory obligations. We hope that the Subcommittee will take this in to consideration when reviewing the President's FY 2014 budget request.

IV. CONCLUSION

In closing, I would like to thank you for allowing the Nation to present this statement to the Subcommittee. We respectfully request the Subcommittee to work with all members to carefully review the President's budget request and to fund tribal priorities. Thank you for your favorable consideration of our request. If you have any questions, please do not hesitate to contact me at (716) 945-1790. Nya:weh.



Statement of the

American Public Works Association

American Water Works Association

Association of Clean Water Administrators

Association of Metropolitan Water Agencies

Association of State Drinking Water Administrators

Council of Infrastructure Financing Authorities

National Association of Clean Water Agencies

Water Environment Federation

Appropriations Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives
April 25, 2013

The American Public Works Association, American Water Works Association, Association of Clean Water Administrators, Association of Metropolitan Water Agencies, Association of State Drinking Water Administrators, Council on Infrastructure Financing Authorities, National Association of Clean Water Agencies, and Water Environment Federation and the are pleased to have the opportunity to provide the House Subcommittee on Interior, Environment, and Related Agencies with comments for the record in relation to the Clean Water and Drinking Water State Revolving Fund (SRF) programs, as well as clean and safe water operating programs and nonpoint source control.

We urge the Subcommittee to reject the proposed reductions to these programs in the President's Fiscal Year (FY) 2014 budget request and instead maintain the Clean Water and Drinking Water SRF programs at the FY 2012 levels of $1.466 billion and $918 million respectively. Investment in water and wastewater infrastructure is currently being threatened as demonstrated in the President's budget proposal to decrease levels of SRF funding and also place limitations on allowable deductions for investments in tax-exempt municipal bonds. While the amount we are requesting for the SRF programs is still far below the well-documented clean and safe water infrastructure needs, it is nonetheless an amount that will allow critical water quality projects to move forward nationwide. It would also serve to underscore the continued commitment to a federal/state/local partnership in meeting the Nation's clean and safe water goals and objectives.

Decreasing Federal Investment Harms Municipalities and Ratepayers

Modernizing and replacing the country's aging water and wastewater infrastructure may be the single largest public works need that our Nation faces and it requires a serious investment. The U.S. Environmental Protection Agency's (EPA) most recent needs survey estimates $293.7 billion is needed today by clean water agencies to comply with the Clean Water Act (CWA). A similar story can be told on the drinking water front: $334.8 billion in drinking water infrastructure investments is needed over the next 20 years. It must be noted, however, that the Agency's needs surveys only consider projects that would be eligible for SRF funding. A recent study by the American Water Works Association (AWWA) revealed that the nation's need to reinvest in drinking water infrastructure alone, actually totals about $1 trillion over the next 25 years. Clean water needs roughly parallel that.

On top of these needs, a 2009 assessment of the costs needed by drinking water and wastewater agencies to confront the realities of a changing climate indicated that as much as $1 trillion over the

next 30 years is necessary to improve resiliency in the face of more frequent and extreme weather events like Hurricane Sandy and the persistent drought that has gripped the Midwest.

Federal Investment in Water Infrastructure Leverages Local Investment, Spurs Economic Growth, and Creates Jobs

Federal investment in the SRF programs leverages additional investment in this critical infrastructure at both the state and local levels. Federal capitalization grants to the SRF programs must to be matched by a 20% contribution from States thereby leveraging an additional $20 million of capital investment for every $100 million of federal investment. Further, nearly 30 States leverage the federal capitalization grant in the bond market which for FY12 provided nearly $3.6 billion in additional working capital. . Lastly, each loan issued by the SRF typically leverages additional local investment provided through the municipal bond market, private financing or other funding sources. Reducing the Federal capitalization grant will significantly reduce the overall investment in water and wastewater infrastructure projects by State and local governments as well as by the private sector far beyond just the level of cuts to federal funding.

Investments in water and wastewater infrastructure provide substantial economic benefits to communities. The U.S. Conference of Mayors reports that each public dollar invested in water and wastewater infrastructure increases private long-term GDP output by $6.35. The National Association of Utility Contractors estimates that $1 billion invested in water and wastewater infrastructure can creates over 26,000 jobs. Further, the Department of Commerce estimates that each job created in the local water and wastewater industry creates 3.68 jobs in the national economy and each public dollar spent yields $2.62 dollars in economic output in other industries. It is clear that federal investment in water and wastewater leverages enormous benefits nationally and for our local economies.

We Need a Stronger Federal Partnership in Meeting the Nation's Clean Water Needs

As Congress works to reduce the deficit, it is important that the federal government remain a reliable partner in helping communities meet their Safe Drinking Water and Clean Water Act obligations. The Clean Water and Drinking Water SRF programs have been two of the more successful federal-local partnerships, providing approximately $70 billion to tens of thousands of job-producing projects around the country. The short- and long-term improvements made possible by the Clean Water and Drinking Water SRFs have delivered significant environmental, economic, and public health benefits as well.

Considering the importance of water and wastewater infrastructure to the well-being of the American people and to our economy, it is critical that the federal government remains a reliable partner in meeting the nation's clean water and safe drinking water needs. Every federal dollar directed to these programs enhances safe and clean water for all.

We Must Support State Clean and Safe Water, and Nonpoint Source Control, Programs

Strong and resilient infrastructure is essential – and just as important is state capacity to operate our nation's clean water and drinking water programs. We also urge the Subcommittee to increase funding for the Clean Water Act §106 Operating Grant program from $259 million to $330 million, and for the Public Water Work System Supervision Program (PWSS) from $109.7 million to $130 million. These programs fund solid and needed state jobs, including for example, engineers, permit writers, inspectors, biologists, and compliance assistance officials – who play critical roles in helping ensure clean and safe water for all Americans. The requested funds are in fact far below the documented actual needs of these programs. In addition, the CWA §319 program is unique for its focus on local partnerships with agricultural entities to reduce water pollution like nutrient runoff. $4 in watershed investment for every federal dollar is yielded when 319 funds are leveraged with U.S. Department of Agriculture programs. We urge the Subcommittee to maintain the requested funding level of $164.5 million, although the national need is greater ($227 million according to the National Association of Conservation Districts in 2012).

Conclusion

America is facing staggering shortfalls in infrastructure investment and communities nationwide are struggling to pay for the critical water and wastewater infrastructure repairs, replacement, and upgrades necessary to protect public health and the environment. As more and more of the nation's water and wastewater infrastructure reaches the end of its useful life cycle, these challenges will continue in the years ahead. State capacity to operate clean and safe water programs is also at a precarious point.

For these reasons, it is critical that federal support for water and wastewater infrastructure remains a priority and funding for the Clean Water and Drinking Water SRF programs is maintained at FY12 funding levels of $1.466 billion and $918 million respectively. Doing so will ensure states and

municipalities that the federal government remains a dependable, long-term partner in meeting the nation's clean water needs. Congress' support for these requests is a vital step toward ensuring such a partnership remains intact.

Written Testimony Submitted by
Susan Newman, Executive Director
Seismological Society of America
to the United States House
Subcommittee on Interior, Environment
and Related Agencies Appropriations
April 25, 2013

I thank you for this opportunity to provide the Committee with the testimony on behalf of the Seismological Society of America (SSA). SSA is an international scientific society devoted to the advancement of seismology and the understanding of earthquakes for the benefit of society. Founded in 1906, SSA is the largest and most respected society of seismologists in the world and is an unbiased source of reliable information for any governmental agency or official seeking sound scientific advice.

We ask the Subcommittee to continue to support and sustain the critical geoscience work underway at the United States Geological Survey (USGS), within the Department of Interior. In the Interior Appropriations bill now under consideration by this subcommittee, **we ask for $1.2 billion for USGS, to support their total mission area needs, including $57.924 million for the Earthquake Hazards Program, $24.698 for the Volcano Hazards Program and $3.693 million for the Landslide Hazards Program. These levels are much lower than those recommended by the National Academy of Science in 2011, and represent a minimum appropriation needed to prevent significant degradation of our national earthquake program in the coming year.**

Earthquakes are a threat to national security. They can cause tremendous damage to critical infrastructure, hindering vital government services and operations, inhibiting the flow of goods and services, and impacting interstate commerce. They cause loss of life and property. Currently 75 million Americans in 39 States face a significant earthquake risk. But all Americans would bear economic consequences resulting from a major destructive earthquake occurring anywhere in the country.

Although earthquakes occur less frequently in the Eastern United States than in some other parts of the nation, studies show that when these earthquakes occur, urban areas in the East could face devastating losses because severe shaking would affect a larger area than a similar earthquake in the Western United States. Most structures in the Eastern United States are not designed to resist earthquakes and residents are not as well prepared for earthquakes as communities in the west.

In Alaska and the Pacific Northwest, along with Hawaii, Puerto Rico, and the U.S. Virgin Islands, the effects of a destructive earthquake can extend well beyond local impact by potentially creating far-reaching tsunamis that impact low-lying coastal communities or have subsequent ground shaking that creates landslides which results in economic losses that could exceed any that have occurred from previous earthquakes or tsunamis.

The USGS provides the research, monitoring, and assessment that are critically needed to better understand and respond to natural hazards, and to build national economic, political, and general resilience. The USGS provides information products for earthquake loss reduction, including rapid post-event impact evaluations, national hazard and risk assessments, comprehensive real-time earthquake monitoring, and public outreach. Virtually every American citizen and every federal, state, and local agency benefits either directly or indirectly from the products and services provided by the USGS. A wide variety of industries rely on USGS for assessments and data to reduce their costs and risks and to help them develop their own products and services.

"National Earthquake Resilience: Research, Implementation, and Outreach", published by the National Academy of Sciences in 2011, compiled cost estimates for 18 separate tasks in a program to achieve resilience. The Earthquake Hazards Program is uniquely well-suited to executing several of these tasks, including completion and operation of the Advanced National Seismic System, development of Earthquake Early Warning, and creation of a National Seismic Hazard model. In addition, the Program can make critical contributions many of the other tasks, including Physics of Earthquake Processes, Operational Earthquake Forecasting, and Earthquake Scenarios. Seismologists understand that even these few tasks cannot be fully funded this year. Nevertheless, more than doubling funding for the Earthquake Hazards Program progressively over the next five years and then sustaining a high level of effort for 20 years would facilitate a well defined program that can return benefits to the nation outweighing the costs many times over.

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact Susan Newman at 510-559-1782 voice, 510-525-7204 fax, snewman@seismosoc.org, or Seismological Society of America, 400 Evelyn Ave, Suite 201, Albany, CA 94706-1375.

Richard Bad Milk
Acting Superintendent
St. Francis Indian School

David Brushbreaker
School Board President
St. Francis Indian School

Dani Walking Eagle
K-6 Principal
St. Francis Indian School

Cyril Scott
Rosebud Sioux Tribal President
Rosebud Sioux Tribe

St. Francis Indian School is located on the Rosebud Sioux Reservation in South Central South Dakota. Our school is funded as follows for the 566 students enrolled; with our weighted student unit (WSU) at $5,339.51 per student count. The tables show the 5% decrease in funding that was directed by the Bureau of Indian Education for the next school year. As of this year 2012-2013 we were funded at $8,920,675 but for the 2013-2014 school year we had to cut $430,479. In all actuality if our Administrative Cost Grant was fully funded as well as our Operations and Maintenance at 100%, transportation was funded to meet our needs at $1,000,000 and we didn't have to cut the 5% out of programs we should actually be funded at $9,627,699 per school year to maintain the needs of our students.

2011-2012 Enrollment	Ave. Daily Membership 2011-2012	Weighted Stud. Unit 3 yr rolling ave.	Weighted Stud. Unit amount per student
700	530.40	897.28	$5,339.51

2012-2013 Funding Source and Amount	Dollar Amount 2012-2013 budget	5% decrease for SY 13-14	Funding for 13-14	Additional funds needed
ISEP Amount per WSU	$4,791,000	$ 239,550	$4,551,450	
Transportation	$ 749,900	$ 37,495	$ 712,405	$250,100
Administrative Cost	$ 750,000 (60% funded)	$ 35,745	$ 714,255	$300,000
Family and Child Educ.	$ 250,000	$ 0	$ 250,000	
Title I	$1,244,500	$ 62,225	$1,182,275	
Title II Teacher Quality	$ 152,300	$ 7,615	$ 144,685	
SPED Part B Level I Achievement	$ 25,729 (as achieved year to year)	$ 0	$0	
SPED Part B Formula	$ 637,371	$ 31,869	$ 605,502	
Facilities Operations	$ 174,852 (43% funded)	$ 8,743	$ 166,109	$78,512
Facilities Maintenance	$ 100,628 (43% funded)	$ 5,032	$ 95,596	$78,512
Johnson Omalley	$ 17,195	$ 860	$ 16,335	

ISEP Contingency	$ 26,900	$ 1,345	$ 25,555	
TOTALS:	$8,920,675	$ 430,479	$8,490,196	$707,124

The sequestration 5% cuts on our school has had a devastating impact in the areas of:

Indian School Equalization Program (ISEP):
The impact as such has been that we have had to cut 10 teaching positions and 8 support personnel in the areas of school safety, human resources, teacher mentors/coaches and food services.

Due to those cuts class sizes have to increase which impacts student achievement directly as research has proven that smaller class sizes increases student achievement

School safety has always been a priority for our schools, with the terrible tragedy that occurred in this year in the elementary school in Newtown, Connecticut, it is vital for us to have hall monitors to aide us in keeping our school buildings safe and giving us the first line of defense in any school safety issue occurs preempting us to lock down or evacuate suddenly.

Our teacher mentor/coaches give on site technical assistance to our teachers and come highly trained for what their job duties are in various subject in reading/math/classroom management techniques, we spent staff development dollars getting them highly trained to assist those teachers in those areas so that we don't have to spend those precious dollars on sending people to training.

The human resource impact is huge in the fact that this individual handles our background checks and drug testing of our staff to be in compliance with our funding agencies requirements and allows our staff to meet those guidelines to be around our students. It gives our stakeholders a peace of mind in that they are comfortable sending their students to us on a daily basis.

The food service staff that are employed for the high school; as we just recently opened a food serving center in that building along with the gymnasium under the ARRA stimulus money to complete our construction project, are necessary to school safety and keeping our elementary students apart from the middle and high school students and their behaviors, which sometimes can be detrimental to our elementary kids and their social growth. We have to find another avenue to fund the 4 positions at the High School for next year.

Several of our support office staff went from 52 week contracts to 46 weeks to reduce the contracted amount we pay them to reach the 5% decrease which will begin this summer of 2013. We will have to use creative ways to keep the community informed during the summer months.

We are asking the supplemental programs for the first time assist in Operations and Maintenance expenditures as we always have done in ISEP general education to keep the maintenance of the buildings falling in to total disrepair and maintaining cleanliness for student use. Further explanation will be forthcoming in the O & M section.

Finally we capped all coaching salaries and reduced them for the upcoming year of 2013-14.

In order for us to continue funding the necessary school operations such as curriculum purchases, textbooks, supplies and materials, common core implementation, MAPS

assessment, athletics and offices expenses and Operations and Maintenance purchases and keep from overspending in spite of the 5% cuts this is how St. Francis Indian School took action in ISEP.

Transportation:
Out of the 566 students enrolled this year exactly 414 students ride our transportation system daily, that is exactly 2/3 of our student population that we service. Our drivers cover 6,516 miles weekly or 260,640 in a school year in a 100 mile radius that covers the Rosebud Reservation. Only 3 routes out of 11 are on paved roads while the other 8 go on non-paved side roads or country roads to pick up students. These figures do not reflect our transporting of students for athletic events, student field trips and other educational transportation endeavors. Our last bus purchase was in 2007 at $60,000 for a new bus and the other busses we operate are becoming too old to operate although we continue to fix them and a great expense to the already stressed transportation budget. We historically spend $160,000 on gas and diesel our maintenance costs were $30,000 last year. The cuts are devastating in this area if we are to continue to have transportation services for our vehicles and busses at a safe rate for our students.

Administrative Cost Grant:
These appropriations have not been sufficient as the BIE has funded this at below 60% of what is actually needed to operate our school. The essentials needs such as grant administration, program planning, human resources, insurance, fiscal, procurement and property management, required annual audits, recordkeeping, legal, security and overhead services are paid for out of the Administrative Cost Grant.

The inadequacy of ACG funding was documented in the 2003 GAO report (*Expenditures in Selected Schools are Comparable to Similar Public Schools, but Data are Insufficient to Judge Adequacy of Funding and Formulas, GAO-03-955*. In that year ACG were funded at 72% but as the level of funding eroded year to year since then, the cost of the ACG has not kept up in response to that level of funding needed to operate our school.

The schools have had to make difficult decisions such as delaying purchases of ISEP items as those funds have had to assist in the ACG to pay for audits or other essential priorities to stay in compliance with our grant requirements.

This grant would also have to help the O & M budget as they have never been funded at 100% just to keep personnel on to maintain our school buildings or buy priority items such as school boilers to keep our buildings heated.

No institution can or should be expected to operate prudently and productively if only 60% of its overhead costs are being met.

Operations and Maintenance:

This has always been underfunded at only 43% of what is actually needed for our school to maintain and operate our school heating and cooling systems as well as stay ahead of repairs from the daily use of the schools systems by our students and staff. Our schools have to cost

share with other already stressed budgets to keep these operations going from ISEP and Administrative Cost Grants to get through each school year. The cut has already shown a devastating impact with no other revenue to assist these budgets

Facility Operations
The Facility Operations funding provides funding for 21,430,000 square feet of education space. Expenses for operation of BIE-funded schools include electricity, heating fuels, communications, grounds maintenance, GSA vehicle rental, refuse collection and disposal, custodial services, pest control, water and sewer service and fire/intrusion monitoring, as well as operations program administration.

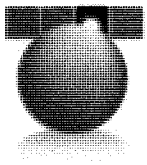
Facility Maintenance
The Facility Maintenance funding provides funding for 21,430,000 square feet of education space. Expenses for operation of BIE-funded schools include electricity, heating fuels, communications, grounds maintenance, GSA vehicle rental, refuse collection and disposal, custodial services, pest control, water and sewer service, and fire/intrusion monitoring, as well as operations program administration.

The Great Plains Tribal Leaders and Tribal Educators as well as St. Francis Indian School oppose taking any funding from the scarce funds going to our Tribal Schools. (ISEP ($16.5 M). If DOE wants a Pilot Project, let DOE Fund it our Tribal Schools need the ISEP dollars to operate our schools which already have been devastated with the 5% cuts for next year. As this is on the agenda for discussion this week we want to go on record opposing this initiative and keep the money with the schools:

BIE Pilot Program

- o President has proposed a $15 million for a pilot program based on the Department of Education turnaround schools model and concepts. The increases are offset by a $16.5 million reduction in Indian School Equalization Program funds.

Conclusion:
The Obama Administration has the opportunity to correct years of neglect for the tribally operated schools in the BIE school system, and to demonstrate that the promise of Indian Self-Determination extends to the schools for our Native American children for which the Federal Government has sole responsibility. It is ironic that schools were the first BIA programs to be taken over through exercise of Indian self-determination rights, but now, nearly 38 years after enactment of the Indian Self-Determination and Education Assistance Act, tribally-operated schools receive the lowest level of funding by a wide margin. That level of support is so dangerously low that it threatens the ability of these schools to function.



Ad-Hoc INDUSTRY

NATURAL RESOURCE MANAGEMENT GROUP

Written Testimony of Barbara J. Goldsmith, Director,
Ad-Hoc Industry Natural Resource Management Group

This written testimony is being submitted on behalf of the Ad-Hoc Industry Natural Resource Management Group (Group) to express support for the Fiscal Year 2014 budget request of the US Department of the Interior Natural Resource Damage Assessment and Restoration Program in the amount of $12,539,000.

The Ad-Hoc Industry Natural Resource Management Group (Group), founded in 1988, is a group of multinational industrial companies and is focused exclusively the interface between natural resources and industrial operations. The Group has served as resource, facilitator, educator and catalyst relative to prevention and resolution of natural resource damage liabilities, as well as identification and implementation of resource restoration objectives. Over the 25 year history of the Group, nearly 80% of the land restored nationwide to compensate the public for lost resource use, under the natural resource damage (NRD) liability regime defined under a number of federal laws, has resulted from direct action or funding by the industrial company members of this Group.

When a company settles a claim for NRD, the funds are to be used for natural resource restoration, which is most often undertaken by Government departments and agencies. As such, it is important that there can be immediate follow through from settlement with industrial parties to implementation of natural resource restoration. Accordingly, the Group supports the budget request of the US DOI Natural Resource Damage Assessment and Restoration Program in the amount of $12,539,000. It is our understanding that the additional request of funds for 2014 is aimed exclusively at getting restoration implemented. US DOI has a very large amount of funds waiting to be dispersed to specific projects nationwide and it does not currently have the staffing needed to do this. Therefore, we respectfully suggest that it is imperative that the full requested 2014 budget request be approved in order to effect these needed actions.

We would be pleased to provide further information or answer questions, as desired. Thank you for the opportunity to provide input on this FY2014 budget request.

April 25, 2013

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STATEMENT OF THE SOUTHERN UTE INDIAN TRIBE
Before the United States House of Representatives
Subcommittee on the Interior, Environment, and Related Agencies
American Indian and Alaskan Native Public and Outside Witness Hearing
April 24-25, 2013

The Southern Ute Indian Tribe respectfully submits the following statement regarding the President's 2014 budget request for the Subcommittee's consideration. As described more fully herein, the Tribe concerns about the budget focus on two areas: funding for BIA realty functions and contract support costs.

BIA Realty functions.

The Southern Ute Indian Tribe continues to be a leader in Indian Country with respect to energy production. The Tribe has a long history of successful development of its on-reservation mineral resources. Throughout this history, the Tribe worked with the Southern Ute Agency of the Bureau of Indian Affairs (BIA) to complete various realty transactions and support its development activities. Over the course of recent years, however, the lack of funding for the BIA's local Agency has resulted in a lack of qualified staff that has severely restricted the Tribe's ability to efficiently develop and manage its natural resources.

Presently, the price of natural gas is at or near an all-time low. These low prices have depressed energy production on the reservation, which normally would be negative for the Tribe. Even if prices quickly rebound, however, the Tribe likely would not be able to take advantage because, as of May 4, 2013, the only BIA realty staff at the local agency will be an Administrative Assistant. The effects of sequestration further complicate matters as the agency is subject to a hiring freeze that is preventing the hiring of two realty specialist positions – one of which that is already screened and for which a selection has been made. As a result, the Tribe has essentially been forced to take on the responsibility of the agency's non-existent realty staff and prepare packets on virtually all realty transaction (both energy-related and non-energy-related) for review and approval by the Superintendent.

The Tribe wholeheartedly supports the increases in the BIA's realty budget in the FY2014 budget proposal but remains concerned that these increases will not substantially affect the dire staff shortage at the Southern Ute Agency or the ongoing effects of sequestration. We urge this Subcommittee to consider the impacts these shortages will have on the Southern Ute Reservation, particularly if energy prices rebound and producers once again look to develop tribal minerals and authorize additional budget resources for the BIA's realty functions.

Ultimately, without additional resources, the BIA's realty functions at the Southern Ute Agency will remain substandard, which will likely force the Tribe into considering assuming these functions under a self-determination contract. Unfortunately, certain other aspects of the President's FY2014 budget proposal may negatively alter the entire nature of these contracts, another proposal about which the Tribe is quite concerned.

Contract Support Costs.

Over the past eight years, the Southern Ute Indian Tribe has been involved in litigation against the Indian Health Service (IHS) to protect and enforce the Tribe's rights under the Indian Self-Determination and Education Assistance Act (ISDA), P.L. 93-638. The Southern Ute Indian Tribal Council took on this fight on behalf of our tribal members and tribes across Indian Country because we believe that holding federal agencies to their trust and statutory responsibilities is of paramount importance, particularly when it comes to the health of Indian people. After securing a victory before the U.S. Court of Appeals for the Tenth Circuit (as discussed below), the Tribal Council believed that we could finally count on the IHS to live up to these important ideals. Unfortunately, with the agency's 2014 budget request, we see that the IHS is back to its old tricks and once again seeks to avoid living up to its sacred trust responsibilities and look out for our best interests. As we have done before, Indian Country is once again relying upon Congress to ensure these interests are protected.

Congress has frequently stated its unwavering support for Indian tribal sovereignty and self-determination. The ISDA is the keystone of that support and is the most successful federal program ever devised by Congress to help tribes help themselves. Through the ISDA, Indian tribes can request a contract with the United States to operate any federal program that provides services to Indians and the federal agency currently operating that program *must* enter into the contract. The ISDA requires that the funding for these self-determination contracts must be at the same level as was expended by the federal agency to operate the contracted program. In addition, because administrative costs at the federal level are often absorbed by separate federal agencies other than the contracted program, Congress directed that self-determination contract funding *must* include amounts, called contract support costs or CSC, to cover the administrative costs of the contracted program. This ensures that the tribal contractor is not required to dip into direct service funds to pay administrative costs.

Unfortunately, in the more than 40-year history of the ISDA, the federal agencies providing the greatest number of services to Indians, the Bureau of Indian Affairs (BIA) and the IHS, have never taken seriously the obligation to provide full-funding of tribal CSC needs. And, consequently, there has been 40 years of litigation by tribes against the agencies force them to meet their legal and moral obligations to tribes.

The federal courts have repeatedly told the agencies that they must meet their CSC obligations to tribes. In response, the agencies have repeatedly invented creative rationalizations to wiggle out of those obligations. At one time, the IHS took the position that it had no legal obligation to honor its contractual commitments to tribes and could simply refuse to pay the CSC funds promised by contract. In 2005, the United States Supreme Court rejected this position in *Cherokee Nation v. Leavitt*, deciding that self-determination contracts had to be honored in the same way as any other federal contract, notwithstanding that Indians were one of the parties to the contract. The IHS reacted by trying to force tribes to place language in their self-determination contracts forever waiving their right to receive CSC. This tactic was rejected by the 10th Circuit Court of Appeals in *Southern Ute Indian Tribe v. Sebelius*. The Supreme Court

refused to hear the IHS's appeal of this decision, thus requiring the agency to enter into self-determination contracts that include language guaranteeing tribes 100% of their CSC needs. Finally, in *Ramah Navajo v. Salazar*, the Supreme Court decided that, just like any other federal contract, the agencies must pay 100% of the contracted CSC amount for a given self-determination contract so long as the total appropriation for CSC in the agency budget is sufficient to cover the contracted amount.

But the Court left open a door for the agency. Among other things, the *Ramah Navajo* decision suggested that the agency could avoid paying tribes 100% of their CSC needs by expressly incorporating individual CSC caps for each and every self-determination contract in the budget. But because of the stated commitment of the Administration to protect and promote Indian interests and its equally firm commitment to consultation with tribes, it seemed unlikely that the agencies would press for the adoption of individual CSC caps. What the Administration seems to have forgotten is that those commitments should be the foundations of this discussion.

In the Indian Health Care Improvement Act (IHCIA), Congress declared that it has "special trust responsihilities" and "legal obligations" to Indians "to ensure the highest possible health status of Indians." It declared a "major national goal" of eradicating health disparities between Indians and the general population of the United States. These trust responsibilities and goals include providing funding for health care facilities operated by tribes at the same level as those facilities operated by the IHS. When President Obama signed the IHCIA reauthorization into law, he stated that "it is unacceptable that Native American communities still face gaping health care disparities"

What happened to these special trust responsibilities and high-minded principles when the Administration decided to submit a budget request that underfunds IHS by $140 million, underfunds the BIA by $12 million and caps CSC funding? How is it consistent with these ideals that the Administration has left it up to the agencies, so often on the losing side of CSC litigation, rather than Congress, to decide what those caps should be in tables that have not been provided as part of the appropriations process? The Southern Ute Indian Tribe is astonished by the Administration's betrayal of these principles.

The Tribe is also deeply troubled by the Administration's abandonment of its tribal consultation policies. For example, the IHS Tribal Consultation Policy unequivocally states that consultation with tribes will occur "before any action is taken that will significantly affect Indian tribes." The Administration's budget proposal effectively eradicates the damages remedies stated in Section 110 of the ISDA; something which has an enormous impact on tribes. Yet, neither the BIA nor the IHS consulted with any tribe before the agencies proposed that the Administration budget request seek to constraint CSC funding and radically alter the structure of the ISDA.

The Southern Ute Indian Tribe opposes the Administration's unilateral proposal contained in the FY 2014 budget request to implement individual statutory caps on CSC for each self-determination contract. Full CSC funding is essential to the successful operation of contracted programs and is, therefore, also essential to the success of tribal self-determination. No change in the fundamental character of the ISDA should be undertaken without first engaging in thorough

consultation between the IHS, BIA and tribal leaders. There must be full tribal participation in the consultation process and in the proposals developed for resolving the problems of full funding for CSC in self-determination contracts. For the present and until those negotiations are conducted, Congress should maintain the status quo for CSC funding in FY 2014 and FY 2015. The Southern Ute Indian Tribe also joins in the call by many other tribes for the authorization of oversight hearings on CSC.

MAKAH TRIBE

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201

April 24, 2013

House Interior Appropriations Subcommittee

Dear Representatives:

The purpose of this letter is to express the Makah Tribes' serious concern with respect to language in the FY 2014 President' Budget proposing a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. AADAP is the nation's only program singularly committed to obtaining U.S. Food and Drug Administration approval of aquatic animal drugs needed by fisheries professionals. AADAP provides many key services to the USFWS and its partners, including the Northwest Indian Fisheries Commission and it's twenty member treaty tribes, by providing access to needed drugs and securing drug approvals to ensure safe and effective drugs are available to treaty disease, aid spawning, and facilitate field research and fisheries management activities. We firmly believe any reduction in funding for AADAP would have a significant, negative impact on the ability of the USFWS to meet tribal trust responsibilities and for the tribes themselves to accomplish fish production and field management objectives. We request that the proposed cuts be reconsidered, and that the AADAP program receive $ 950,000 in base funding.

The Endangered Species Act (ESA) listed Lake Ozette sockeye (LOS) recovery program relies upon the AADAP for the only legal access to SeMark® through the Investigative New Animal Drug (INAD) program. A crucial component of the LOS recovery program is to monitor the relative contributions of hatchery and wild fish. SeMark®, an INAD monitored calcein dye, provides the only feasible means to visually mark large numbers of very small fish for later identification using non-lethal methods. We believe that the loss of access to SeMark® caused by reductions in AADAP funding, would severely impact the recovery of the Lake Ozette sockeye.

The Makah Tribe is aware of the challenging budgets facing all agencies. However, the AADAP program's dedication to fisheries conservation, track record of success, and critical deliverables are recognized by public and private fisheries and aquaculture stakeholders and conservation authorities as unduplicated and unparalleled. Attempts at cost-savings that diminish this program also diminish needed federal leadership in this area and jeopardize the ability of the USFWS to deliver effective fisheries conservation and fulfill trust responsibilities. Further, the Makah Tribe and other treaty tribes continue to rely on AADAP to help us meet critical fisheries management needs. We strongly encourage you to fund AADAP at $950,000 in base funding, a level we believe is essential to maintaining the performance and capacity of this program. We thank you in advance for your consideration of our view.

Sincerely,

MAKAH FISHERIES MANAGEMENT

Russell Svec, Director

April 19, 2013

Mr. Stacy Dixon, Tribal Chairman
Susanville Indian Rancheria
745 Joaquin Street
Susanville, CA 96130
(530) 257-6264

Testimony to the House and Senate Appropriations
Subcommittees on Interior, Environment, and Related Agencies
Regarding the Fiscal Year 2014 IHS and BIA Budget Request

On behalf of the Susanville Indian Rancheria, I submit this written testimony for the FY 2014 budget request. My testimony requests the following:

- Full funding of the Indian Health Service contract support costs at $617 million.
- Full funding of the Bureau of Indian Affairs contract support costs at $242 million.
- Rejection of the Administration's proposed BIA and IHS contractor-by-contractor contract support costs caps.
- Directing the Indian Health Service to release contract support costs data for FYs 2011 and 2012.
- Protecting the Indian Health Service from sequestration.

The Susanville Indian Rancheria includes over 1,030 tribal citizens located in Northern California. The Tribe operates several programs through Indian Self-Determination Act contracts with the Bureau of Indian Affairs (BIA), including the Tribe's two largest: the Consolidated Tribal Government Program and the Road Maintenance Program. Through these programs, the Tribe operates aid to tribal government, Johnson O'Malley, social services, Indian child welfare, community fire protection, adult and higher education, and job placement programs, as well as projects to maintain the Tribe's infrastructure. Through these programs, the Tribe is a vital part of the Susanville and Lassen County economic community.

The Tribe also operates the Lassen Indian Health Center via a Title V self-governance compact with the Indian Health Service (IHS). The Tribe and the Health Center serve not only our tribal members, but also lineal descendants of California Indians. As a result, our service population for Lassen County is over 1,900 individuals of Indian descent. The Health Center is a vital link for our patients, who receive medical and dental care, behavioral health services, alcohol and drug counseling, and pharmacy services. Providing both governmental and health care services is an important role for the Tribe, but we depend on our contract partners—the IHS and the BIA, and through them, the Congress, to fulfill their contractual obligations. .

- **Congress Must Fully Fund Contract Support Costs**

One of these obligations is that the BIA and the IHS will fully fund the contract support costs (CSC) that cover the administrative and overhead portions of the programs the Tribe has contracted to operate in place of the federal government. We are grateful for recent increases in

CSC, but there is still a ways to go in meeting the true need. Unfortunately, the President's proposed budget would continue the underfunding of CSC, particularly with regard to the IHS, crippling all tribes' ability to operate their programs as intended.

Indian Health Service

The President proposes $477,205,000 for contract support costs in the IHS for FY 2014. This amount is far below the estimated need of $617 million. While Congress has in the past appropriated additional funding for CSC owed to tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act and federal case law, those additional appropriated funds are not enough to eliminate the ongoing shortfall of CSC. As a result, the Tribe continues to endure significant financial restrictions that translate into less health care for our patients.

For example, in FY 2012, the Tribe's CSC was funded at only 78 percent of actual need. This shortfall forced the Tribe to transfer funds intended to provide health services into operations and administrative accounts that keep our programs running. For too long, the government has treated tribal contractors differently from other government contractors with regard to CSC payment. The Supreme Court ruled this disparity is unjustified, and in its decision *Salazar v. Ramah Navajo Chapter*, ordered the government to pay full CSC to tribal contractors. 132 S. Ct. 2181 (2012).

In an attempt to skirt this responsibility, the Administration proposes to limit CSC payments to tribal contractors by submitting a list of contractors to the House and Senate Appropriations Committees, with recommended, individual appropriations for each contractor. This proposed system is not only untenable and unwieldy; it is also unjust. The Administration has proven itself incapable of properly accounting for contract support costs, and we have no indication the agencies will include contractors in this process to ensure the lists reflect contractors' need. The simplest and most fair answer is to fully fund tribal contractors' CSC.

We urge the Congress to reject the President's proposal outright, and fully fund IHS contract support costs at $617 million.

Bureau of Indian Affairs

The President proposes $230 million for Bureau of Indian Affairs contract support costs. This amount is closer to the estimated full need of $242 million than the IHS proposal, but we ask that Congress fully fund the BIA's CSC as well.

The President's proposal to limit CSC funding via contractor-by-contractor caps applies to the BIA as well. Again, we strongly reject this effort, particularly because the Administration has made no effort to include tribes and tribal contractors in the process of preparing the proposed CSC tables. While the President's proposal says this new effort is part of the "longstanding policy of managing CSC costs," tribes know that this means saddling contractors with chronic CSC shortfalls like the Tribe experiences year after year. These shortfalls are an effective penalty for engaging in self-determination or self-governance contracting. Both the

annual underfunding and the Administration's misguided proposal for FY 2014 are contrary to the stated policy of both the Congress and the Administration to encourage tribal self-determination.

We urge the Committee instead to fully fund the BIA contract support costs at $242 million, which will erase the need for the Administration's contortionist proposal to handle CSC shortfalls.

- **Direct the IHS to Release CSC Shortfall Reports**

IHS must submit CSC shortfall reports to Congress no later than May 15 of each year, per section 106(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450j-1(c). Yet, the IHS has failed to submit CSC shortfall reports for FYs 2011 and 2012. Tribes have repeatedly asked the agency to release this date, which is critical for our ability to understand the IHS's view of the underfunding, and to pursue full payment of CSC, to which the Tribe is legally entitled. The IHS has refused to release these reports time and again, most recently in March of this year.

We ask the Committees to direct the IHS to release the shortfall data for FYs 2011 and 2012 immediately, as required under the law.

- **Protect the Indian Health Service from Sequestration**

The Office of Management and Budget determined that the IHS's discretionary appropriation is fully sequestrable, which resulted in a $220 million cut in funding to the IHS for FY 2013—roughly five percent of the IHS's overall budget. IHS lost $195 million for programs like hospitals and health clinics services, contract health services, dental services, mental health and alcohol and substance abuse. Programs and projects necessary for maintenance and improvement of health facilities felt these same impacts. These consequences are then passed down to every ISDEAA contractor, including the Lassen Indian Health Center. The Center is already significantly underfunded, and sequestration resulted in further cuts to the availability of health services we are able to provide to our patients. This creates real, negative consequences for individuals who have to forego needed care.

We suffer these reductions and experience these new challenges to providing health care for the people in our service area, despite the United States' trust responsibility for the health of American Indian and Alaska Native people.

We cannot understand why this responsibility was taken less seriously than the Nation's promises to provide health to our veterans. The Veterans Health Administration (VA) was fully exempt from the sequester for all programs administered by the VA. *See* § 255 of the Balanced Budget and Emergency Deficit Control Act (BBEDCA), as amended by P.L. 111-139 (2010). Also exempt are state Medicaid grants, and Medicare payments are held harmless except for a 2% reduction for administration of the program. Yet the IHS—which already faces low funding—was subject to full cuts. We thus strongly urge the Committee to support amendment of the BBEDCA to fully exempt the IHS from any sequestration procedures, just as the VA's and

other health programs are exempt. We recognize that the President's proposed budget is designed to eliminate future sequestrations, but Congress will work its will on that proposal, so we seek an amendment to exempt the IHS from sequestration.

Conclusion

Ensuring full funding of tribal programs at the Bureau of Indian Affairs and the Indian Health Service is important not only to Tribes like the Susanville Indian Rancheria, but to the communities around us. We recognize the economic hardships facing the country, but remind Congress that funding our programs enables us to create more jobs for Indians, non-Indians, tribal members, and neighbors alike. This helps our national economy grow from the ground up. Accordingly, we urge you to honor our requests to fully fund Indian programs in FY 2014.

Thank you for your consideration, and I will be glad to provide any additional information the Committees may request.

Daniel D. Price
President, Friends of the Little Pend Oreille National Wildlife Refuge
768 Joseph Jessica Rd.
Colville, WA. 99114

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTE ON THE INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2014 APPROPRIATIONS

Chairman and Members of the Subcommittee:

The Friends of the Little Pend Oreille National Wildlife Refuge (FLPONWR) and its members would like to thank you for this opportunity to testify before the Subcommittee concerning the funding of the Refuge system for fiscal year 2014. We ask you to support the Presidents funding proposal of $499 million for the Refuge Systems Operation and Maintenance. This will help restore the cuts to the refuge systems budget over the last few years and help preserve an American treasure and help to ensure the refuges remain intact for future generation.

We feel that any less funding could have negative impacts on the Refuges ability to protect and enhance the environment and wildlife within the Refuge System. Less funding would also impact local economies, jobs, recreation and environmental education. The Refuge System and The Little Pend Oreille NWR (LPONWR) needs your support.

THE LITTLE PEND OREILLE WILDLIFE REFUGE

The LPONWR is located in the Northeast part of Washington State near the small city of Colville. The LPONWR is just over 40,000 acres and is the only mountainous mixed conifer refuge in the lower 48. It also has several small lakes, ponds, streams, marshes and the Little Pend Oreille river that support a wide variety of wildlife from songbirds, Woodpeckers, and waterfowl to bears, bobcats, elk, moose and White tailed deer. Interestingly the protection of the White tailed deer was one of the main reasons for the establishment of the refuge. The refuge is considered critical winter habitat for the deer. Small amphibians, small reptiles, butterflies, dragonflies are also important parts of the refuges ecosystem.

The refuge also comprises large stands of ponderosa pine which have very little protection outside of the refuge. The protection of the pine habitat is of critical importance to the future of the White tailed deer, white headed woodpecker, flammulated owls and the other species that are connected to this habitat. The higher elevation of the refuge are also part of Washington States critical habitat for the endangered Canada lynx.

VISITATION AND ECONOMICS

The LPONWR has about 50,000 visitors per year who enjoy activities such as bird watching, hiking, camping, mountain biking, hunting, horseback riding and hunting. Not only do people enjoy these activities but they are also a positive contribution to the local economies. According to the 2004 "Banking on Nature" economic study the refuge visitors had a "final economic demand," to the local

economy, of almost $3.7 million and helped to generated 42 jobs (a significant number in this rural community). If you compare this to the refuge budget there was "$3.82 of recreational benefits for every $1 of refuge expenditures." All in all a good investment.

HABITAT MANAGEMENT AND THE BUDGET CUTS

Since 1994 the refuge has been hard at work restoring a healthy forest and habitat at the refuge after about 30 years of management by the state. While always a Federally owned Wildlife Refuge there was a management agreement between the State and the National Fish and Wildlife service starting in the 1960's that ended in the early 1990's after the GAO found it to not be in the best interest of the Refuges in question (the LPONWR was one of a few).

One of the most important roles the refuge staff has been forest rehabilitation through prescribed burns and thinning operations (which provide jobs to local loggers and bring wood to local mills). As part of the habitat management plan thinning is use to open up aspen stand and to maintain open meadows, both of which are critical foe the deer and elk herds. Since development and agriculture as taken away the traditional wintering grounds (the lower river valleys) for the ungulates the refuge has become critical for the deer, elk and other species that rely on this type of habitat. As of today the cut from sequestration have all but eliminated any thinning projects in the future. The refuge cannot afford to hire a forester to oversee the projects. This has a negative effect on the refuge and the local economy. The forester is out a job and the local logging companies have less work and there are less logs heading to local mills. This is a net job loss of 10-15 people in a community with an unemployment rate over 12%. This is a community that cannot afford to lose any more jobs. Lastly thinning projects near the refuge boundaries help homeowners by cutting done on fuel load and reducing the chance of a catastrophic fire. Lastly with the reduction in fire staff we will have fewer prescribed burns. Prescribed burns help by mimicking nature (this is a fire forest). These burns help "to reduce the amount of "fuel" on the forest floor (from logging slash from timber sales) and improve forage for wildlife by stimulating the growth of grass, forb and shrub species." Also by reducing the fuel load we reduce the risk of large fires reaching our neighbors and local communities.

MORE EFFECTS FROM BUDGET CUTS

One of the more devastating effects of sequestration has been the loss of our Youth Conservation Corps (ycc) program. This as multiple implications. First the loss of one seasonal employee that oversees the program. One more (as I have already pointed out) job loss for our rural community. Even worse is that now four highs school students lose out on a great opportunity for summer employment and education. Not only do the students help with numerous project throughout the refuge but they also are losing out on a great educational experience. The program is designed so that one day a week is dedicated to different educational experience such as learning about, wildlife, geology, forestry and the history of the refuge to name a few.

Budget cuts have also effected our maintenance staff. On a refuge of 40,000 plus acres, five campgrounds, numerous trail and many miles of roads we only have one full time maintenance worker. In the past there has also been a seasonal worker. Even with the season employee we were severely understaffed and due to sequestration there is now no seasonal job. One more negative affect to our local economy, not to mention the worker. Any further budget cuts would have a devastating affect and could lead to some seasonal closures. Not to mention less cleaning of bathrooms, campgrounds and

other facilities.

RECREATION

The LPONWR provides many recreational activities as stated above. Any cut I funding can also have negative impacts in recreation and the money it brings to the local economy. Because of the work in habitat improvement and public outreach the refuge has become a birding hot spot in our region. I have met many people from Seattle, Spokane, Portland, and other areas of the country that have come to Northeast Washington just to look for bird on the refuge. Without the success of the refuge in habitat improvement and public outreach these people may have never come to this region. Birders and wildlife watchers have become an important economic stimulus to the regions economy.

Hunters and fishermen have also become on important economic factor. Hunters come from all over the Northwest to hunt deer, elk, grouse, and turkey's (to name a few). Without the habitat rehabilitation and resource protection many of the hunters would not come to the refuge thus leaving there money at home and not helping the local economy.

Lastly, on Recreation, the refuge staff along with the Friends have been able to construct two new trails on the refuge. The Mill Butte trail offers visitors an opportunity to see a mature ponderosa pine habitat and see how fire is an important part of this ecosystem. It also offers hikers a early season – snow free-hike which is rare in this area. Working with the staff the Friends were also able to secure the invaluable help of the Washington Trails Association. Any cuts in funding work hurt in the maintenance of the trails and hurt further collaboration on new projects as it is neeessary for Refuge staff to complete the necessary environmental and cultural regulations to get any new projects moving forward.

Our other newly constructed trail is te McDowell Marsh Environmental Education trail (McMEET) which I will discuss further in the next section on environmental education.

ENVIRONMENTAL EDUCATION

We feel that environmental education is a vital aspect at the LPONWR. Over the past decade the friends have worked with refuge staff in developing an environmental education program that brings student from the Colville School District. These second and fifth graders learn about bird and bird migration, turtles, bug and butterfly's along with the ecosystems in our area. We use our newly constructed environmental education trail (MCMEET) as the foeal point of educational outreach. The trail is 1.2 miles and goes trough 5 different ecosystems – from arid forest, to marshes and lakes. There is a 265 foot long boardwalk over the marsh along with a naturalized gathering spot for talks and a new observation blind that overlooks the marsh. The trail also is a self guided nature trail that can help any visitor learn about the unique feature of this trail and the refuge. Also, importantly the first ½ mile of this trail in a universally accessible trail (ADA specs) which include access to the boardwalk, gathering area and observation blind. Without the collaboration between the refuge and the Friends this trail would never have come to be.

We would like to expand our environmental education to other school district in the region but we are at our limit. Any funding cut could threaten what the refuge has accomplished thus far. We wish to move forward in educating our youth, not backwards!

LAND AND WATER CONSERVATION FUND

The Friends of the LPO strongly encourage you to support the Presidents request for $900 million for the Land and Water conservation Fund. This program has been of vital importance for the protection of our natural resources over the years. At our refuge there are a number of in holdings that are potentially up for sale by their owners. These land provide vital wildlife connections throughout the refuge and some are listed as critical habitat for the Canada Lynx. The land and Water Conservation fund could prove pivotal for securing these lands in the future. We do not want these lands to be sold to someone who might want to develop the land thus harming the refuge as a whole.

We know you have a hard job to do, but please protect our lands for future generations.

On behalf of the Friends of the Little Pend Oreille, thanks for listening.

Daniel D. Price

TESTIMONY TO THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
by
THE NEW ENGLAND FOREST POLICY GROUP
EMILY BATESON, CHAIR

APRIL 25, 2013

Mr. Chairman, and distinguished members of this Subcommittee, we are grateful for the opportunity to submit testimony today on behalf of the New England Forest Policy Group and the 59 forestry and conservation organizations listed below

We respectfully request a substantial increase in overall funding for the Land and Water Conservation Fund to $600 million, including $84.8 million for the Forest Legacy Program, $338 million for the federal LWCF, and $60 million for the State Grants Program in the fiscal year 2014 Interior and Environment Appropriations bill. In addition, we respectfully urge the Subcommittee to provide a minimum of $4 million for the Community Forest and Open Space Conservation Program, $39.4 million for the North American Wetlands Conservation Act, and $61.4 million for the State and Tribal Wildlife Grants Program. These are the numbers from the President's budget proposal, and this suite of programs will provide pivotal benefits to the communities of New England and to the nation as a whole.

The New England Forest Policy Group is an informal collaborative of diverse forestry and conservation organizations united by our efforts to conserve the forested landscapes that characterize our region. New England's forests are the backbone of our forest products and recreation economies, as well as providing other services of incalculable value including water and biodiversity protection, climate mitigation, and flood resilience. As the most forested region in the country, New England's economy is strongly dependent on the health and integrity of its forests. Communities across the region depend on our wooded landscapes for their health and well-being, as do the 60 million people within a days drive. But our forests are 85% privately owned, mostly in small parcels, and landowners are facing profound challenges from rising land prices, escalating development pressures, and other threats that have the potential to significantly fragment and diminish this irreplaceable landscape.

While recognizing that this is a difficult fiscal time for our nation, we strongly believe that programs vital to our country's future must be sustained, including forest conservation and stewardship. New England has compelling need for the programs in front of your Subcommittee today.

As the Subcommittee crafts its Interior & Related Agencies Appropriations bill, there are several key points we respectfully request you to consider:

1. **Overall Funding for the Land and Water Conservation Fund (LWCF) at $600 million**: Funding at the recommended $600 million is critical for the conservation of the natural legacy of New England and the country. There are Federal LWCF units targeted to receive funding in CT, MA, ME, NH, RI, and VT if the requested level of $600 million for FY14 is funded. If this amount is not supported, many of these opportunities will be lost. We also strongly believe that

LWCF should be funded at the full authorized level of $900 million by FY 2015 due to the clear need that has been demonstrated in New England and across the nation.

2. **New England Needs for Federal Land Acquisition through FY2014 LWCF.** All of New England's federal acquisition projects within the FY2014 proposed budget (including projects in every New England state) fall within the less advantageous "Mandatory" spending authority under the President's proposal. This means that New England's FY2014 federal acquisition projects are not likely to receive funding unless the full $600 million is appropriated.

   a. ***National Park Service LWCF Acquisitions—Collaborative Landscape Planning: National Trails Funding at $53.3 million total, including $3.7 million for the Appalachian Trail and $4 million for the New England National Scenic Trail:*** The proposed FY2014 LWCF funds are necessary for conserving and expanding two iconic trail corridors in New England—the Appalachian Trail and the New England National Scenic Trail. New England's outdoor recreation economy is worth approximately $43 billion/year and supports more than 330,000 jobs, according to the Outdoor Industry Association. In addition, our region's trails and waterways provide healthy recreation for the people who live here and necessary urban respite for more than 60 million people within a day's drive.

   b. ***U.S. Fish and Wildlife Service LWCF Acquisitions—The Chafee National Wildlife refuge at $900,000 and the Conte National Fish and Wildlife Refuge at $4.6 Million.*** Securing protection of these ecologically rich watersheds and habitat corridors is a top regional priority. The Chafee refuge is a jewel of the Rhode Island coast that will be greatly enhanced by further acquisitions. The Conte refuge covers the Connecticut River watershed, recognized as a national priority through designation as the first National Blueway—a critical north/south habitat corridor and a treasure trove of ecological diversity and recreational opportunity.

   c. ***National Park Service LWCF Acquisitions—$4.745 million for Multi-State Greenways and Blueways:*** Funding to enhance conservation and recreational opportunities along the rivers and landscapes that make up Greenways and Blueways will greatly benefit the associated recreation and tourism economies and help connect more people to the outdoors.

3. **US Forest Service Programs of Special Importance to New England—USFS Forest Legacy and USFS Community Forest Program.** These two programs in the Interior Appropriations bill are particularly important to New England given our region's high percentage of private forestland ownership and the intense development pressures on these lands.

   a. ***USFS Forest Legacy needs full $84.8 million Appropriation to meet New England's needs.*** Forest Legacy has protected more than 1 million acres of forestland in New England since its establishment in the 1990 Farm Bill—a remarkable and vital accomplishment. Originally created to help address the specific needs of the six New England states and New York, this highly successful program has expanded to 53 states and territories without proportionally expanding the available funding. $84.8 million is a solid start toward rebalancing available funds to the number of states now in the program and the rising number of applications and pressing conservation need.

   New England has an outstanding group of Forest Legacy Projects in the President's FY2014 Budget, including the number 3, 4, and 6 projects nationally for a total of $16.715 million in proposed funding. However, The Forest Legacy Program must receive the full $84.8 million

requested to ensure that all of New England's projects are retained. New England's full FY2014 interests in the program include:

- The proposed Budget includes $18.9 million in "Discretionary" Forest Legacy funding for Mahoosuc Gateway in NH; Cold Stream Forest in ME; Quabbin Reservoir to Wachusett in MA; Moosehead-Seboomook In-holding in ME; and partial funding for Groton Forest Legacy in VT.

- The proposed Budget includes $4.99 million in less secure "Mandatory" Forest Legacy funding for Groton Forest Legacy in VT (project funding is divided between Mandatory and Discretionary lists); Windham Region Working Forest in VT; and Thorpe Mountain in CT.

b. ***USFS Community Forest Program needs a minimum of $4 million.*** The Community Forest Program is a 50-50 matching grant program to help local governments, tribes, and non-profit organizations expand the region's proud tradition of locally owned and managed lands, such as town forests. The program has drawn strong interest nationally—in its first grant round in FY2012, the program drew 49 applications from across the country seeking $14.53 million dollars. This was far beyond the available funding of $3.5 million, which included funding pooled from FY2010, 2011, and 2012 appropriations.

Funding the Community Forest Program at the President's full FY2014 request of $4 million will keep it a robust source for future New England projects. In its first year of funding, FY2012, the Community Forest Program funded two projects in New England, including the nation's top ranked project, for a total of $772,000 dollars. Although this program might appear small on a national budgetary scale, it is critical to New England's landscapes.

4. **US Fish & Wildlife Service, National Blueways System—$3.3 million for the Cooperative Watershed Management Program.** The US FWS will administer funds to support a landscape level conservation approach to river systems throughout the Country under the Administration*s National Blueways System. Rivers play a vital role in connecting Americans with the lands and waters that provide economic, recreational, social, cultural, and ecological value to their communities. The National Blueways System will provide a new emphasis on the unique value and significance of a locally-led headwaters to mouth approach to river management and create a mechanism to encourage stakeholders to integrate their land and water stewardship efforts.

5. **North American Wetland Conservation Act (NAWCA) needs President's full request of $39.4 million.** The U.S. Fish and Wildlife Service's premier wetland conservation program for habitat protection and restoration, NAWCA, is very important for our region. New England's remarkable marshes and coastal and estuarine habitats support the region's commercial and sport fisheries and myriad wildlife species. These lands are also important to protecting coastal communities—a priority in the wake of Hurricane Irene and Superstorm Sandy. Funding at the President's FY2014 request of $39.4 million for NAWCA will maintain this program as an essential funding tool for New England projects that conserve critically important wetland areas and improve flood resiliency.

6. **State and Tribal Wildlife Grants Program (SWG) at $61.4 million.** This important U.S. Fish and Wildlife Service program provides federal grant funds for developing and implementing programs that benefit wildlife and their habitats, including species not hunted or fished, and

provides core funding for research, habitat restoration, and monitoring under the State Wildlife Action Plans. Keeping species off the Endangered Species list helps landowners avoid the difficulties that listing can create. This program is critical to the work of State Fish & Wildlife Agencies throughout the region and to the 36 species on the eastern list.

In closing, we thank the Subcommittee for your continuing leadership on federal land conservation matters. The New England Forest Policy Group and the undersigned organizations stand ready to work with you to secure full and consistent funding for the LWCF, Forest Legacy, and the other critically important programs that help protect the irreplaceable economic, environmental, and community values of the forested landscapes and natural areas in New England and across the nation. Thank you for the opportunity to provide this testimony.

Signatory organizations represented by this testimony:

Androscoggin River Watershed Council
Appalachian Mountain Club
Aspetuck Land Trust
Audubon Society of New Hampshire
Audubon Society of Rhode Island
Audubon Vermont
Bear-Paw Regional Greenways
Berkshire Environmental Action Team
Connecticut Fund for the Environment
Connecticut Land Conservation Council
Connecticut River Watershed Council
Connecticut Audubon Society
Connecticut Forest and Park Association
Connecticut Ornithological Association
The Conservation Fund
Eastern Quabbin Land Trust
Environmental League of Massachusetts
Franklin Land Trust
Friends of the Conte
Friends of Minuteman
Friends of Pondicherry
Highstead
Housatonic Valley Association
Kestrel Land Trust
Land Conservancy of Ridgefield
Littleton Conservation Trust
Lower CT River Valley Council of Governments
Lyme Timber Company
Mahoosuc Land Trust
Mass Audubon
Maine Appalachian Trail Land Trust
Maine Coast Heritage Trust
Massachusetts Association of Conservation Commissions
Massachusetts Rivers Alliance
Mass Land Trust Coalition
Middlesex Land Trust
Mount Grace Land Conservation Trust
MA Woodlands Institute
Monadnock Conservancy
The Nature Conservancy
Natural Resource Council of Maine
New England Forestry Foundation
Northeast Wilderness Trust
Northern Forest Center
Northland Forest Products, Inc.
Open Space Institute
Rangeley Lakes Heritage Trust
Redding Conservation Commission
Rensselaer Plateau Alliance
Sharon Land Trust
Society for the Protection of New Hampshire Forests
Sudbury Valley Trustees
Trust for Public Land
Urban Ecology Institute
Vermont Land Trust
Vermont Natural Resources Council
Vermont Woodlands Association
The Wilderness Society
Woman's Club of Danbury/New Fairfield

April 24, 2013

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2013 BUDGET

DEAR HOUSE SUBCOMMITTEE,

RE: Testimony of Jaylene Peterson-Nyren
Executive Director Kenaitze Indian Tribe

Testimony Submitted for the Record

My name is Jaylene Peterson-Nyren. I am the Executive Director for the Kenaitze Indian Tribe (Kenaitze). Kenaitze is a federally recognized Indian tribe that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act. Under Kenaitze's compact we carry out various Indian Health Service programs in the central Kenai peninsula-region of Alaska. Kenaitze requests that Congress honor the joint venture contract agreement between the Tribe and IHS and fully fund the staffing requirements of the new Dena'ina Wellness Center for FY 2014.

In accordance with its self-governance compact with the Department of Health and Human Services, Kenaitze currently provides medical, dental, behavioral health and substance abuse treatment services to over 3,000 Alaska Native and American Indian beneficiaries and other residents of the central Kanai Peninsula in Alaska. The population of the Peninsula is growing exponentially, and Kenaitze anticipates the beneficiary pool will reach 5000 by the time construction of a new Dena'ina Wellness Center is complete. Currently Kenaitze does not own any of its health facilities and spends approximately $226,000 per year to rent space in three separate locations.

Under Section 818(e) of the Indian Health Care Improvement Act, IHS is authorized to enter into joint venture (JV) contracts under which: (a) a Tribe borrows funds to build a facility to IHS specifications, and (b) IHS agrees "to lease the health care facility and the land

incidental thereto under a no-cost lease, and provide supplies and staffing for the operation and maintenance of the health care facility" The agreements are contracts; they are enforceable as contracts.

In 2011 Kenaitze and IHS entered into a binding joint venture contract. Kenaitze agreed to construct the Dena'ina Wellness Center, a new 52,000 square foot clinic, using borrowed funds from non-IHS sources. The new clinic will offer medical, dental, behavioral health, chemical dependency, physical therapy, pharmacy and traditional healing services all in one location - enhancing both convenience and continuity of care for our members. Kenaitze expects to receive its certificate of beneficial occupancy in February 24, 2014 In return, IHS agreed that it "shall provide the supplies and staffing for the operation and maintenance of the Facility ... subject to appropriations by the Congress," at 85% of the Tribe's staffing requirements, explaining that, on average, IHS facilities are only funded at 85% of their need.

Under the terms of the JV Agreement the IHS agreed to "request funding from Congress for fiscal year 2014 on the same basis as IHS requests funding for any other new Facility, which at the opening year is currently 85 percent of the projected total staffing need minus the existing staff, as determined using IHS RRMMA Criteria and the IHS approved User Population data." The size of the Center was determined by a feasibility study and based on this funding commitment from IHS. The amount necessary to staff the new facility at the agreed upon 85%) would be 5,3M in FY2014. Yet, the President's budget proposes that IHS provide only $1 million for annual staffing requirement. The *IHS's Budget only requests 18% of the Clinic's staffing requirement.* The President's Budget request is severely insufficient to fund the Clinic and does not honor the joint venture contract under which we agreed to build the new facility. IHS must suspended all discretionary increases in other IHS accounts until IHS honors its contracts and pays its staffing packages in full.

Sincerely,

Alexandra M. Lindgren
designee for

Jaylene Peterson-Nyren
Executive Director Kenaitze Indian Tribe
P.O. Box 988
Kenai, AK 99611
(907) 335-7200
Fax (907) 335-7201

Testimony of Kathy DeCoster
Vice President and Director of Federal Affairs, The Trust for Public Land
Regarding the Land and Water Conservation Fund
and other Federal Land Conservation Programs
House Appropriations Subcommittee on Interior, Environment and Related Agencies
April 26, 2013

Chairman Simpson, Ranking Member Moran, and distinguished members of the Subcommittee:

Thank you for the opportunity to submit testimony on behalf of The Trust for Public Land in support of programs under your jurisdiction for the Fiscal Year 2014 appropriations process. The Trust for Public Land (TPL) is a national nonprofit land conservation organization working to protect land for people in communities across the nation. We are extremely grateful for the support members of this Subcommittee and other conservation leaders in Congress have shown for federal conservation programs during these challenging fiscal times. We recognize that the Subcommittee will again face enormous challenges in meeting the broad range of priority needs in the Interior and Environment bill this year. But we believe the American people support continued investments in conservation, even during a time of economic challenge, as evidenced by polls and results in various ballot initiatives and questions in November 2012, where 53 of 68 measures passed creating nearly $800 million in new state and local funding for conservation.

These ballot initiatives reflect the very essence of conservation in the 21st century: collaborative, leveraged, partnership-based and locally supported. Federal funding is an absolutely critical part of the conservation toolbox and provides manifold benefits to the American people. Given the limited public conservation funding at all levels of government, TPL works to leverage federal conservation dollars, bringing to bear private philanthropic support as well as state and local funding to forge workable solutions to complex conservation funding challenges.

We are especially grateful for your recognition that funding for programs like the **Land and Water Conservation Fund (LWCF)** is a worthwhile investment. TPL respectfully requests that you continue this commitment by supporting the President's budget request for FY 2014 for LWCF of $600 million. This amount includes $356.2 million for federal land purchases, $60 million for grants to states for parks and outdoor recreation, $84.8 million for the **Forest Legacy Program** and $84 million for the **Cooperative Endangered Species Conservation program**, and $15 million for the **Urban Park and Recreation Recovery program (UPARR)**. Continued investment in this suite of LWCF programs is essential and TPL is ready to work with the Subcommittee to ensure that dollars invested are well spent on our most urgent needs. We urge you to also support the President's budget requests for the **North American Wetlands Conservation Act (NAWCA)** and the **Community Forest Program**.

Land and Water Conservation Fund

For almost 50 years the Land and Water Conservation Fund has been the cornerstone that sustains our federal public lands heritage and remains today a compelling and urgently needed program. When Congress created LWCF in 1964, it sought to ensure that land conservation would receive funds every year by dedicating certain revenues. For most of its history, the major source of LWCF funds has been revenues from offshore oil and gas development in federal waters. LWCF activities neither require nor are designed to receive taxpayer dollars. This arrangement is built on the principle that the revenues generated from energy development and natural resource depletion should be used for the protection of other natural resources such as

parks, open space, and wildlife habitat for the benefit of current and future generations of Americans. TPL believes that this principle remains a sound one and that the American public supports using this very small percentage of OCS receipts – which annually average over $6 billion – as a conservation offset.

The FY 2014 Budget proposes $600 million for the Land and Water Conservation Fund, with $400 million from discretionary sources and $200 million in mandatory funds. The budget anticipates providing the full $900 million that is authorized by Congress in mandatory funds in future fiscal years. Since the beginning of the LWCF program, more than $18 billion of funds intended for conservation purposes from OCS receipts have been diverted for unrelated purposes. The President's FY 2014 proposal encourages honest budgeting for LWCF and ensures that its multiple benefits to natural resources, the national and local economies, and outdoor recreation will be felt by the American people.

Federal Land Acquisitions - Every year tens of millions of Americans, as well as international visitors to our country, visit our public lands. Federal funding of land acquisition ensures that the public can access lands for these recreational and educational purposes. If accessible properties are instead sold for development or subdivision, there is no guarantee that the public will be able to enjoy the nearby public lands. Purchase can also enhance the quality of recreational experiences, encouraging greater public participation and use, and in some cases resolve public land management issues and achieve cost savings. There is a clear economic impact from these activities. A 2011 federal interagency study determined that 90 million people annually spend $144.7 billion on fishing, hunting and wildlife watching alone. These activities and others have significant ripple effects. The Outdoor Industry Foundation estimates that active outdoor recreation contributes $646 billion annually to the U.S. economy, supports nearly 6.1 million jobs across the U.S., and generates $39.9 billion in annual national tax revenue.

Among the recreation destinations whose economic and natural resource values might be significantly compromised without sufficient LWCF funding in FY 2014 are numerous outdoor recreation and natural resource protection projects in the national forests of California, New Mexico, Washington and Colorado, at the California Coastal National Monument, where continued acquisition will connect visitors to two miles of the Pacific coast, and along the Pacific Crest Trail in Washington state.

Incompatible development within established federal units is a continuing concern for the public and for public land managers, and we have found that private landowners of inholdings and edgeholdings are open to and quite often seek a conservation solution. Faced with uncertainty about the availability of federal land acquisition dollars, however, many landowners find that they cannot afford to wait on a win-win outcome. Adequate and timely acquisition of inholdings through the LWCF is critical to efforts to protect the nation's public lands heritage when these time-sensitive acquisition opportunities arise. Often the window for a conservation outcome is narrow, and the availability of LWCF funds ensures that landowners can sell their properties in a timely manner. For instance, important conservation properties are available for a limited time at Crooked National Wild and Scenic River in Oregon, the new Valle de Oro National Wildlife Refuge in New Mexico – where LWCF funds have leveraged more than twice that amount other funding, Red Cliffs National Conservation Area in Utah, and the Tahoe National Forest in California. In addition, a number of partially-completed projects at Santa Monica Mountains National Recreation Area and Saguaro National Park, and the Carson, Uncompaghre and Superior national forests await further funding to be completed and are included in the FY 2014

President's budget request. Recent funding levels for LWCF have been insufficient to allow agencies to complete these projects in a timely fashion and we urge your support for funding levels in FY 2013 that address these needs.

We also urge the Subcommittee to consider fully the urgent need for funding for Civil War Sesquicentennial units, national trails, and priority recreational access projects as proposed in the FY 2014 President's budget for the National Park Service, Fish and Wildlife Service, and Forest Service. TPL has pending projects eligible under each of these categories and stand ready to provide information to the Subcommittee to support these categorical line item requests.

As the Subcommittee evaluates the myriad programmatic needs and measures for making programs more efficient for the FY 2014 Interior and Environment Appropriations Bill, we look forward to working with you and your staff to ensure that funds are spent wisely on strategic and urgent conservation priorities.

National Park Service LWCF grants - Since 1965, the state and local assistance grant program has provided 41,000 grants to states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance. These funds were an essential part of land protection in Maine's famed 100-Mile Wilderness, the northernmost and wildest stretch of the Appalachian Trail. Most recently, TPL worked with the state of Tennessee to add 1,388 acres to the popular Cumberland Trail, extending it by 19 miles, using state LWCF grant funding. To meet needs such as these as they continue to arise in all 50 states and in U.S. territories, we urge you to fund this program at $60 million.

Urban Park and Recreation Recovery Program – The President's Budget for FY 2014 proposes $15 million to re-establish the Urban Park and Recreation Recovery program (UPARR). This program has not received appropriations since 2002. Funding UPARR would enable the National Park Service to issue competitive grants for increasing recreational opportunities at parks and along trails in urban areas across the country. The residents of cities and urbanized counties often lack the availability of parks and green spaces that are safe and close-to-home. This proposed targeting of funds to areas most in need of new parks will help address the health threats many Americans – especially children – are now facing due to lack of access to parks. TPL is the nation's only national land conservation organization working to create parks in cities across the nation, and we strongly support this competitive grant program as laid out in the Department of the Interior's FY 2014 budget proposal. With our extensive experience creating parks for people nationwide, we see this type of program as meeting a critical need in the places where most people live and recreate. The NPS LWCF grants program – funded competitively rather than by formula – could assist TPL's work in places like the Twin Cities, where we are embarking on fundraising for a new park in a neighborhood where access is limited and more than half the residents have incomes of less than $35,000 a year, and in New York City, where we are working along the Bronx and Harlem River to ensure more safe and accessible green space for a community now cut off from these rivers.

U.S. Forest Service – Forest Legacy Program

The **Forest Legacy Program** provides extraordinary assistance to states and localities seeking to preserve important working forests. Since its inception in 1990, the Forest Legacy Program has protected over 2 million acres of forestland together with over $630 million in non-federal matching funds. For FY 2014, the President's Budget recommends projects that provide multiple

public benefits that derive from forests – clean water, wildlife protection, climate change adaptation and mitigation, public access to recreation, economic development and sustainable forestry. The Forest Legacy Program has been very effective over its short history, leveraging a dollar for dollar match to federal funds, well more than is required under the program. The Trust for Public Land urges your continued support for sustained investment in this strategic conservation program. Included in the FY 2014 budget are four projects where we are working in partnership with the states of Maine, Colorado, New Mexico, and California to protect recreation access for snowmobilers and hikers, ensure jobs in the woods, buffer important federal and state conservation areas and provide strategic land conservation that fits a larger goal.

U.S. Fish and Wildlife Service – Land Conservation Grant Programs

We are grateful for the Subcommittee's historic support for U.S. Fish and Wildlife Service grant programs, including the **Cooperative Endangered Species Conservation Fund** – which leverages state and private funds and has protected threatened and endangered species habitat across the nation. In FY 2012, TPL successfully worked with the states of Wisconsin, California, and Texas to protect species habitat. We also urge your support for program funding at the President's Budget level of $84 million in FY 2014. The **North American Wetlands Conservation Act (NAWCA)** provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. We urge the Subcommittee to provide the President's Budget request of $39.4 million.

U.S. Forest Service – Community Forest Program

Last but not least, we urge your continued support for the **Community Forest Program (CFP)** which has received appropriations since FY 2010. The Forest Service awarded its first grants, totaling nearly $4 million in FY 2012 for community forest projects in 8 states. This program complements existing conservation programs by helping local communities and tribes identify, purchase, and manage important forestlands that are threatened with development. These locally led efforts can be tailored to the needs of each community, from timber revenue for local budgets to recreation access and outdoor education. Every federal dollar from CFP is evenly matched by funding from state, local, and private sources. The response to the first grant round was substantial and the program has generated significant interest from local entities concerned about the future of their close-to-home forests. Given the strong interest in community forests from coast to coast, we urge you to include the President's Budget level for CFP of $4 million in the FY 2014 bill.

Thank you again for the opportunity to submit this testimony. The programs highlighted in my testimony are critical to the future of conservation at the local, state and federal levels, reflect the continued demand on the part of the American people for access to outdoor recreation, help sustain our economy and reflect the true partnership that exists in federal conservation efforts. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these programs and urge you to maintain robust funding for them in the FY 2014 Interior, Environment and Related Agencies bill. Thank you for help and support, and for your consideration of our requests.

THE TULALIP TRIBES

Board of Directors:
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The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and bands signatory to the Treaty of Point Elliot

April 24, 2013

House Interior Appropriations Subcommittee

Dear Representatives:

The purpose of this letter is to express the Tulalip Tribes serious concern with respect to language in the FY 2014 President's Budget proposing a $400,000 reduction in funding for the U.S. Fish and Wildlife Service's Aquatic Animal Drug Approval Partnership (AADAP) program. AADAP is the nation's only program singularly committed to obtaining U.S. Food and Drug Administration approval of aquatic animal drugs needed by fisheries professionals. AADAP provides many key services to the USFWS and its partners, including the Northwest Indian Fisheries Commission and twenty member treaty tribes, by providing access to needed drugs and securing drug approvals to ensure safe and effective drugs are available to treat disease, aid spawning, and facilitate field research and fisheries management activities. We firmly believe any reduction in funding for AADAP would have a significant, negative impact on the ability of the USFWS to meet tribal trust responsibilities and for the tribes themselves to accomplish fish production and field management objectives. We request that the proposed cuts be reconsidered, and that the AADAP program receive $950,000 in base funding.

Since 1960, Tulalip and other treaty tribes became active in enhancement of salmon and steelhead stocks in their Usual and Accustomed Fishing Areas. We realized that until habitat was restored to support healthy runs of salmon and steelhead, our hatchery enhancement and supplementation efforts would be critical in enabling tribal members to continue to exercise our treaty fishing rights. Today, we rear up to 15 million juvenile salmon annually that typically provide 90-95% of our harvest rates on Chinook, Coho and Chum salmon when we target that hatchery production. Overall, tribal hatcheries in this state collectively rear and release 40-50 million salmon and steelhead annually from a number of hatcheries, acclimation ponds, and netpens that we operate in watersheds throughout Washington State. Critical to the success of our enhancement efforts, is access to safe and effective drugs direly needed to control large fish losses from disease outbreaks caused by some of the most infectious fish pathogens that are endemic while fish are being reared at our hatcheries. We can tell you that the AADAP program has been highly effective at helping us, and other treaty tribes in Washington State and elsewhere, to access these drugs, effectively treat and control these infectious diseases, and prevent major catastrophic fish losses that we would otherwise have had no recourse to prevent. The reduction in funding to AADAP will have a seriously negative impact on us and other tribes' enhancement programs.

Besides production hatcheries, we are also very familiar with numerous instances where INAD-approved drugs have played pivotal roles in saving critical stocks at risk in recovery-based hatchery programs (both tribal and non tribal), including treatments of critical status stocks listed as *Threatened*, and even *Endangered*, under the Endangered Species Act.

The Tulalip Tribes are aware of the challenging budgets facing all agencies. However, the AADAP program's dedication to fisheries conservation, track record of success, and critical deliverables are recognized by public and private fisheries and aquaculture stakeholders and conservation authorities as unduplicated and unparalleled. Attempts at cost-savings that diminish this program also diminish needed federal leadership in this area and jeopardize the ability of the USFWS to deliver effective fisheries conservation and fulfill tribal trust responsibilities. Further, the Tulalip Tribes, and other treaty tribes, continue to rely on AADAP to help us meet critical fisheries management and salmon recovery program goals. We strongly encourage you to fund AADAP at $950,000 in base funding, a level we believe is essential to maintaining the performance and capacity of this program. We thank you in advance for your consideration of our view.

Sincerely,

Daryl Williams

Daryl Williams
Environmental Liaison

The Honorable Mike Simpson
United States House of Representatives, Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Washington, DC 20515 April 25, 2013

Dear Chairman Simpson and Members of the Subcommittee:

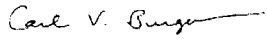
I am a private-sector scientist whose firm (Smith-Root, Inc., Vancouver, WA) relies on innovative technology and the ability to use various forms of fish sedatives to evaluate the effectiveness of the fisheries conservation products our company has been manufacturing in Clark County, WA for nearly 50 years. I am also a Past President of the 143-year-old American Fisheries Society, a 10,000-member organization comprising our nation's fishery researchers, educators and managers. Accordingly, I strongly support effective natural resource management.

I am concerned about the proposed reduction ($400,000 and three positions) in the U.S. Fish and Wildlife Service budget for their Aquatic Animal Drug Approval Partnership (AADAP), which appears in the President's 2014 Budget. This U.S. Fish and Wildlife Service Program is extremely important to all Americans because it gives our nation's fishery managers the solid science and the tools they need to properly administer our national aquatic resources. This is particularly true here in the Pacific Northwest where over one hundred state and federal fish hatcheries in the Columbia River Basin alone must have the ability to use (and get approved) the various types of chemical sedatives and therapeutic agents that the AADAP Program oversees. These sedatives, drugs and therapeutic agents are vital to the daily operations of our nation's fish hatcheries and fishery management offices (because without them, our state and federal fisheries facilities cannot continue important restoration and recovery mandates).

Given the importance of this program and its products to all of us and our constituents who rely on our nation's fisheries and aquaculture disciplines, please reconsider the implications of the proposed U.S. Fish and Wildlife Service, AADAP Program budget reduction. Instead, please consider implementing the full funding level ($1.79M; the amount provided in the 2010 Department of Interior budget for AADAP adjusted for 2014 inflation). AADAP's activities are not duplicated anywhere else in our nation's natural resource management budget. Our scientists, researchers and managers absolutely require a healthy AADAP Program to continue the arduous task of restoring and recovering our precious fishery resources. Fish and Wildlife Service administrators themselves will not be able to fulfill our nation's fishery mandates without a healthy AADAP Program to garner approvals and meet the rigorous standards established by the FDA for sedatives and therapeutic agents for fisheries uses. The proposed cuts would

effectively terminate the AADAP research program, and with it, the drug approval process for fisheries in the U.S. **Please do not allow this to happen.** Thank you for your consideration.

Respectfully submitted,



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With Copies to the Honorable:

Ken Calvert, Tom Cole, Tom Graves, Jaime Herrera Beutler, David Joyce, David Valadao, Jim Moran, Betty McCollum, Chellie Pingree, and José Serrano.

Kyle Hoylman, Cancer Survivor, Cancer Survivors Against Radon (CanSAR)

This written testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program and concerns the following budget categories: **Radon Program (FY 2014 PB: $2.3M, FY 2012 Enacted: $3.9M, FY 2014 Change: -$1.6M),** a disinvestment of $1.6 million eliminates oversight for the State Indoor Radon Grants; and, **Radon Categorical Grants (FY 2014 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2014 Change: -$8.0M),** a divestment of $8.0 million eliminates the State Indoor Radon Grant (SIRG) categorical grant.

My name is Kyle Hoylman. I am a cancer survivor. I lost my father to lung cancer in 2009. I grew up in Ohio in a home that contained levels of radon that measured more than 7 times the EPA action level for radon. My goal with this written testimony is to educate members of Congress on why investing more in radon risk reduction programs at both the state and federal levels, requiring HUD, Fannie Mae and Freddie Mac to require radon testing and mitigation for all mortgages guaranteed through these organizations, and requiring EPA to enact its authority to promulgate regulations for radon under the Indoor Radon Abatement Act of 2008 will save American lives and provide a positive return on investment for taxpayers by reducing a $7.25 billion dollar annual healthcare burden.

Radon: A Matter of Public Health

Radon is a naturally occurring radioactive gas that is colorless, odorless and tasteless. A form of ionizing radiation, radon is a Class A Human Carcinogen. Radon enters buildings through cracks and other pathways, where it can accumulate in dangerous levels. Exposure to radon is the leading cause of lung cancer among non-smokers, second overall only to smoking. As many as 15% of all lung cancer deaths are attributed to radon. In the United States, more than 21,000 annual deaths are caused by radon. Every 25 minutes, radon claims another innocent victim. More buildings are built without radon control features than are mitigated each year and effective testing, notification and disclosure policies are not in place to alert building occupants when elevated radon levels exist. As a result, more people live, work and learn in buildings containing toxic levels of radon than ever before. Coupled with the use of medical

procedures and tests that utilize radiation increasing significantly, the importance of reducing exposure to radon is an important component in preventing cancer. The U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) Evaluation Report *More Action Needed to Protect Public from Indoor Radon Risks* (08-P-0174, 2008) serves as a call to action for public policymakers and key stakeholder groups to prevent radon induced cancer mortality by reducing exposure to radon through the development and implementation of effective testing, notification and disclosure policies.

Health Effects of Radon

Radon is responsible for more than 21,000 lung cancer deaths each year in the United States. As many as 15% of all lung cancer deaths are attributed to radon. Individuals who smoke are at higher risk because of the synergistic effects between smoking and radon. Individuals who are exposed to other lung carcinogens (e.g. Environmental Tobacco Smoke (ETS), radiation from medical procedures) may also have increased susceptibility to radon-induced lung cancer. Infants and children are generally considered more radiosensitive than adults, although studies have not been performed that directly assess whether or not elevated radon exposure in childhood infers greater risk of developing radon-induced lung cancer later in life. Research also suggests positive associations between radon exposure and other cancers (e.g. leukemia, stomach, liver), although more epidemiological research is recommended that examines these associations. Comparative human health-based risk assessments performed by the U.S. EPA and numerous state agencies have consistently ranked radon among the most important environmental health risks facing the nation. Moreover, a Harvard Center for Risk Analysis study ranked radon the number one health risk in the home.

Economics of Radon

The annual burden on our healthcare system attributed to radon-induced lung cancer is enormous. Direct medical costs for treatment averages $54,852 per incident or $1.8 billion dollars per year for all incidents. Indirect costs average $228,364 per death or $5.4 billion dollars per year for all deaths. Indirect costs include non-medical costs, such as time lost by the

patient and their family and friends who provide care, pain and suffering on the part of the patient and their family and friends, changes in job status among previously employed patients, and training for new job skills due to physical limitation. The total economic burden created by failure to prevent radon-induced lung cancer is $7.2 billion dollars per year.

The development and implementation of effective testing, notification and disclosure policies as a disease prevention strategy is cost-effective when the potential savings from the direct medical treatment burden alone are considered. In addition, the adverse health effects of radon exposure will continue to increase as more people are exposed, the population ages and the use of medical radiation continues to rise. Recent cost benefit analyses clearly indicate that development and implementation of testing, notification and disclosure policies is cost-justified. Simply requiring radon testing and mitigation in single-family residential homes to reduce radon levels in our national housing to less than the EPA action level is estimated to save $2.4 billion dollars per year.

A Call to Action

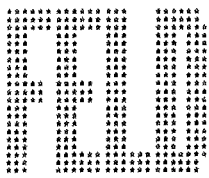
As the cause of as many as 15% of all lung cancer deaths, radon is a serious public health issue that can be largely prevented through effective testing, notification and disclosure policies. The U.S. EPA's approach to reducing exposure to radon has been impeded by its reliance on voluntary programs. The 2008 U.S. EPA OIG report stated, "Nearly two decades after passage of the Indoor Radon Abatement Act of 1988 (IRAA), exposure to indoor radon continues to grow." The report recommended that the U.S. EPA use its authority granted under IRAA to reduce exposure to radon and prevent radon-induced lung cancer.

The June 2011 U.S. EPA Federal Radon Action Plan aims to reduce radon exposure in homes, schools and daycare facilities, as well as new construction. The plan contains an array of current federal government actions to reduce radon exposure and a series of new commitments for future actions. Although the actions outlined in the plan are important steps in reducing exposure to radon, additional policy actions are necessary. These actions include:

1. Requiring testing, notification and disclosure on all buildings with federally-insured mortgages;
2. Requiring testing, notification and disclosure on all public buildings, including schools, daycare facilities and workplaces;
3. Requiring testing, notification and disclosure on all tenant-occupied buildings;
4. Requiring testing, notification and disclosure prior to occupancy for all new construction.
5. Increasing the State Indoor Radon Grant (SIRG) categorical grant from $8.0 million to $12.0 million in FY2014 to allow state programs to continue vital education and outreach efforts; and
6. Funding a $3.0 million dollar grant program to allow a non-profit partner to establish important environmental justice projects, sustain the development of professional standards and credentials, and increase research and development initiatives.

Support for the development and implementation of these policies will provide an important component in preventing cancer mortality and lessening the burden caused by radon-induced lung cancer on our healthcare system. Another important item to note is implementation of these policies will create the demand needed for thousands of new jobs in the housing sector for radon testing, mitigation and new construction. Until this critical public health issue is addressed, Americans will continue to die from a disease that is largely preventable through development and implementation of effective testing, disclosure and notification policies.

If the policies outlined in this written testimony would have been adopted some years ago, I would most likely still be enjoying the close relationship I shared with my dad, and I probably wouldn't have struggled with my own cancer at age 38. You can't change my past, but you can ensure others aren't burdened with a future where radon-induced lung cancer continues to take an American life every 25 minutes. During the time I spent writing this testimony, 3 more lives were lost to this horrible disease. <u>You</u> have the power to change the future. Thank you.



ENTERTAINMENT, INC.

WRITTEN TESTIMONY of
THOMAS L. ALBERT
VICE PRESIDENT, GOVERNMENT RELATIONS
FELD ENTERTAINMENT, INC.

Feld Entertainment, Inc. (FEI), the parent company of *Ringling Bros. and Barnum & Bailey*®, strongly supports the international conservation programs within the U.S. Fish and Wildlife Service Office of International Affairs, specifically the Multinational Species Conservation Fund (MSCF). We respectfully request your support for fiscal year 2014 funding of MSCF in accordance with the President's 2014 budget request of $9.8 million, which is an increase of $321,000 above the 2012 level.

Feld Entertainment is a member of the Multinational Species Coalition, a broad-based coalition of 33 organizations representing sportsmen, conservationists, zoos, circuses, veterinarians, animal welfare groups and their more than 20 million members. Feld Entertainment and the other members of the Coalition support the continued funding of these vital programs, which help to protect tigers, rhinos, African and Asian elephants, great apes, and marine turtles in their native habitats.

Feld Entertainment and *Ringling Bros.* have long supported funding of the MSCF. Our support goes back to 1997 when we proudly worked alongside Members of Congress, the World Wildlife Fund, and the Association of Zoos and Aquariums in support of the original Asian Elephant Conservation Act (AECA). In the sixteen years since enactment of the AECA, the Asian Elephant Conservation Fund (AECF) has had a very real and positive impact on Asian elephant conservation. Working with relatively modest funds, the AECF has been able to contribute to an impressive number of research and conservation projects, often focusing on projects that directly support and promote local capacity building programs that have long-term benefits. The same is true for all of the MSCF programs, including the African Elephant Conservation Fund, the Rhino-Tiger Conservation Fund, the Great Ape Conservation Fund, and the Marine Turtle Conservation Fund.

The contributions made by these funds to enhancing the survival of these majestic species are significant and undeniable. Perhaps most important, the MSCF is able to leverage crucial federal dollars to attract significant levels of non-federal funds, making it a highly cost-effective federal program. The International Elephant Foundation (IEF), of which *Ringing Bros.* is a founding board member, is just one organization that is able to leverage private funding with public monies available through the MSCF. These funds provide IEF the ability to partner with

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governments and NGOs in range states to improve conditions not only for elephants, but also for the communities who live with those elephants, as well as those who work to protect and manage these at risk populations.

Ringling Bros. and Barnum & Bailey has always had an unyielding commitment to the future of the endangered Asian elephant, and we currently care for more than 40 Asian elephants, the largest herd outside of Asia. That is why, in 1995, we established the *Ringling Bros. and Barnum & Bailey Center for Elephant Conservation*® (CEC). Built on over 140 years of experience and expertise of working with elephants and exotic animals, the *Ringling Bros. CEC* is dedicated to the conservation, breeding and understanding of these amazing animals. With 25 births to date, and more on the way, it is home to the Western Hemisphere's most successful breeding program. *Ringling Bros.* also engages in *in situ* conservation and husbandry partnerships with the IEF, the Biodiversity and Elephant Conservation Trust and the Department of Wildlife and Conservation in Sri Lanka, and the Universities of Peradeniya and Rajarata in Sri Lanka. *Ringling Bros.* also supports *in situ* conservation programs for the several subspecies of tigers, all of which are endangered, both in the Russian Far East and in Northeast India.

Ringling Bros. remains committed to the conservation of these endangered species, and we recognize that the MSCF will continue to be a vital tool for ensuring the survival of Asian elephants, tigers, and other endangered species around the world. We urge you to continue to fund these vital programs as you move forward with FY2014 appropriations to ensure the continuation of the critical work done through these funds.

Thomas L. Albert
Vice President, Government Relations
Feld Entertainment, Inc.
8607 Westwood Center Drive
Vienna, VA 22182

Ruth E. McBurney, CHP
Executive Director
Conference of Radiation Control Program Directors, Inc.

I am writing today to express serious concerns regarding proposed budget cuts of $10,000,000 by the USEPA to the Office of Radiation and Indoor Air, Radon Program, specifically to the State Indoor Radon Grants.

The Conference of Radiation Control Program Directors, (CRCPD) is a nonprofit organization of state radiation control officers and others interested in the work of radiation protection in the public interest. CRCPD opposes the planned FY14 budget's abolishment of State Indoor Radon Grants (SIRG) because the cut is being made with the false assumption that states can carry on this vital program without federal funding; which is patently untrue. Further, CRCPD feels that cutting funds to one of the most cost effective, results oriented, radiation risk reduction programs, leaves the public unprotected from a carcinogen responsible for 21,000 lung cancer deaths per year[1]. We urge you to restore these funds to keep state and local lifesaving programs in operation.

CRCPD's primary goal is to assure that radiation exposure to individuals is kept to the lowest practical level. Every day, our members are on the front lines protecting the United States public from unnecessary radiation exposures in industry, medicine and the environment. For many years our nation's response to this formidable radiation threat from radon has been grossly underfunded (based on actual risk[2]), but state radon programs have leveraged the approximately 8 million dollar annual federal investment in state assistance with in-kind match to achieve results.

EPA reports that its radon information and reduction efforts, thru its partnerships, have already resulted in saving thousands of lives[3]. It is in fact state and local radon programs and their non-profit partners, funded by SIRG, that are the action arm responsible for that risk reduction. EPA's own data indicate much more effort is needed to catch up to the increasing number of homes with elevated radon concentrations[4]. It is clear to us that these risk reduction efforts will not continue, much less increase, without federal SIRG funding.

The radiation risk to the American public from radon gas is undisputed. The National Academy of Sciences[5], The World Health Organization[6], EPA's own risk assessment[7], the US Surgeon General[8] and the President's Cancer Panel[9] all have taken a strong stance on the importance of getting people to test for radon, mitigate when levels are high and build new homes radon resistant. Radon is the leading environmental cause of cancer mortality in the United States and the seventh leading cause of cancer mortality overall[10]. The Harvard School of Public Health, Center for Risk Analysis, ranked radon as the highest of ten risks of death in homes in the United States, ahead of falls and home fires[11].

Now, EPA is abandoning this highly effective state- and locally-focused risk reduction program. EPA claims that they are not abandoning the radon issue, or the states, but will continue their public information campaigns and work with other federal agencies to reduce radiation risk from radon[12]. The state programs have been the "boots on the ground" in this battle for two decades. Without SIRG funds, state programs will effectively disappear.

By cutting State Indoor Radon Grants, the USEPA has made a rash and inappropriate decision that will significantly impair or eliminate the individual state's ability to respond to this threat. The risk reduction achieved by this very effective and successful program far exceeds that of any other EPA program at a fraction of the cost. EPA's own analysis shows that the new construction cost per life saved (CPLS) is approximately $80,000. The mitigation cost per life saved (CPLS) for existing homes is approximately $400,000[13]. In comparison, the Office of Technology Assessment (OTA) roughly estimated the average cost per life saved at EPA Superfund sites at 5 million dollars each.[14] "The U.S Department of Transportation limits new policies (such as improved guardrails) to $3 million dollars per statistical life saved.[15]" By EPA's own account, the national radon effort has already saved over 6,000 lives (2006)[3]. To cut funding to such a cost effective program is illogical and inexcusable.

State radon program staffs are viewed as unbiased experts familiar with the local conditions and practices. The support that state radon programs provide to consumers results in the delivery of better quality radiation protection services and a stronger, more competent radon service industry. This is a role that neither the federal government, nor the industry or housing generalists can fill. State program staff also fears that the radon service industry, comprised of specialized small businesses, will also disappear as the inevitable decline in the demand for their services occurs. Jobs lost in this specialized industry affect both those workers and the public they serve. Without professional radon mitigators to reduce high radon levels in homes, families remain exposed to this carcinogen. This is unacceptable.

In addition to residential radon issues, state radon programs have been working with education departments and school systems to assess the seriousness of radon in schools[16, 17]. Without state radon programs, schools testing will virtually cease, leaving thousands of teachers and students at risk. There has been recent media attention on school systems that have failed to address the elevated radon levels due to lack of funds[18]. This budget cut will do nothing to improve that situation.

The national radon effort has been a model example of voluntary environmental risk reduction, giving states the latitude to design and implement their response to these serious risks as they deem appropriate. Currently, 44 of the 50 states, 10 tribes, 1 territory and Washington, D.C., receive SIRG funding. Thirteen states license radon practitioners. While nine of these collect fees, contrary to what has been suggested, this does not make them self-sustaining. If SIRG grants end, states that collect fees will use funds collected to offset licensing/certification costs but will, in effect, end all pass through to local governments and non-profit organizations. This will end most other parts of the state agencies' radon risk reduction efforts. Without these

funded activities at the local level, public demand for radon services is expected to eventually disappear.

For these reasons, CRCPD urges you to restore the federal funding for the State Indoor Radon Grants. Thank you for your careful consideration to our comments.

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