

**Testimony of U.S. Rep. Nick J. Rahall**  
**Before the Appropriations Subcommittee on Interior and Related Agencies**  
**April 21, 2004**

Good morning Chairman Taylor, Ranking Member Dicks, and Members of the Subcommittee. As the Ranking Member on the House Resources Committee, it is an honor to join you this morning to offer my perspective as the Subcommittee begins consideration of the budget for the Department of the Interior for the 2005 fiscal year.

As a general matter, the Bush Administration's FY 2005 budget represents another in a series of failures to request adequate funding for many of the vital programs within the Department. It is my hope that the Subcommittee will reject the Administration's skewed priorities and provide these programs the necessary funding to protect and preserve our rich natural and cultural heritage.

**Land and Water Conservation Fund**

The Bush Administration continues to assert that they are requesting "full funding" for the Land and Water Conservation Fund. This is simply not true. Each year, approximately \$900 million is deposited into the Fund and any allocation short of that benchmark, divided between federal land acquisition and grants to States, fails to meet the "full funding" pledge. For FY 2005, the Administration's request for *authorized* LWCF funding is only \$314 million, or nearly two thirds less than full funding. Only accounting gimmickery, whereby funding for unauthorized programs is "counted" as LWCF spending, allows the Administration to even claim to be fully funding this vital program.

The Subcommittee should continue to reject this questionable approach and instead return to the so-called "CARA-lite" agreement reached in the year 2000. While that historic agreement was honored through two appropriations cycles, it began to crumble during the FY 2003 cycle and was abandoned during the current fiscal year. By once again honoring the CARA-lite agreement, the Subcommittee can make a significant investment in the preservation and conservation of our natural and cultural resources.

**Maintenance Backlogs**

The Bush Administration continues to pursue a muddled approach to addressing backlogged maintenance in the National Park and Wildlife Refuge Systems, and on our National Forests. They assert that the NPS backlog is a fixed dollar amount and have pledged to erase it. However, the Administration has requested only incremental increases in maintenance funding, compared to the previous Administration. As a result, a recent internal assessment found that, if anything, the size of the NPS backlog has increased under President Bush and may never be fully erased.

Not only has the Administration shortchanged our National Park System, it has also retreated from past progress in addressing the serious maintenance backlog impacting the National Wildlife Refuge System. Given that roughly \$16 million in additional funding is required each year to prevent the backlog from growing, the Administration is proposing to cut funding for the Refuge System by nearly \$20 million, compared to 2004 levels.

Within our National Forests, more than 380,000 miles of roads have been constructed, primarily to provide access for logging. The Forest Service estimates that there is a \$7.8 billion road maintenance backlog. However, the Administration proposes to spend only \$10 million on deferred maintenance and infrastructure improvement to reduce that backlog. This request is less than 1/3 of the \$22 million Congress appropriated in fiscal year 2004, and less than 1/4 of the \$46 million appropriated in fiscal year 2003 for this purpose. The problem is exacerbated by the Administration's failure to defend the Roadless Rule, and exemptions to the Rule.

Rather than follow the Administration's politically driven and short-sighted approach to this problem, the Subcommittee should continue addressing the maintenance backlogs more realistically. Maintenance, both backlogged and cyclical, will always be with us and will require a substantial and continuing investment to insure that visitors to our National Parks, Wildlife Refuges and Forests have the best experience possible.

### **National Heritage Areas**

Over the last 20 years, Congress has established 24 National Heritage Areas where conservation and interpretation are managed through partnerships between federal, state, and local units of government and the private sector. The NPS is authorized to provide technical assistance, and in some cases financial assistance, to these Areas.

Without explanation, the Bush Administration's request for FY 2005 slashes funding for National Heritage Areas by more than 80%, including only \$2.5 million to be divided among all of the eligible Areas. Hopefully, the Committee will reject this massive funding cut and provide Heritage Areas the funding they need to continue their important work.

### **RS-2477**

Congressman Udall of Colorado, along with myself and others, worked to craft a solution to the problem of RS-2477 rights of way across public lands during consideration of the Interior Appropriations bill last year. Ultimately, the House adopted language offered by Chairman Taylor. That language, while not broad enough, was a step in the right direction on this issue and it was disappointing to see the provision left out of the final Conference Report. I would urge the Subcommittee to continue its vigilance in working to resolve this vital public lands issue.

## **Fish and Wildlife Service**

For a system of public lands that has just celebrated its centennial, the funding level proposed by the Administration for the Fish and Wildlife Service is unacceptable. I urge the Subcommittee to support the proposal advocated by the Cooperative Alliance for Refuge Enhancement, or CARE, for an increase of \$40 million for our refuges.

Further, the Administration's proposal to cut \$10.5 million from the Fish and Wildlife Service's Fisheries accounts would hamstring the agency as it attempts to implement a new national strategy to, as Director Williams says, "put the fish back into Fish and Wildlife." I urge the Subcommittee to reject this proposed reduction.

Finally, fishery personnel indicate that they are barely holding operations together under existing funding levels. I respectfully request that the Subcommittee provide adequate funding for the Fisheries accounts to prevent closing of facilities or cancellation of programs in fiscal year 2005.

## **Endangered Species**

The President's proposed budget would cut the Recovery program by \$10 million from the fiscal year 2004 enacted level and would eliminate the Fish and Wildlife Service's contribution to several important efforts, such as:

- recovery of freshwater mussels at the White Sulphur Springs National Fish Hatchery in my Congressional District,
- recovery of the endangered humpback chub, Colorado pikeminnow, razorback sucker and bonytail chub through the popular Upper Colorado Fish Recovery Program and,
- recovery of four federally listed species, the endangered whooping crane, interior least tern, pallid sturgeon and the threatened piping plover through the new Platte River Recovery Program.

To continue these and other important programs, I request that you fund the Recovery budget at the fiscal year 2004 enacted level of \$67.9 million.

The President's budget request also fails to provide adequate funding for Consultation/Habitat Conservation Planning (HCP). In my own state, Snowshoe Mountain is an example for other corporations in terms of endangered species conservation. Snowshoe has completed one HCP, and has committed significant financial resources to a second HCP to protect the endangered West Virginia Northern Flying Squirrel. Unfortunately, the corporation's efforts are stalled because the Fish and Wildlife Service's Field Office in Elkins does not have the staff to process Snowshoe's permits. Snowshoe is taking a proactive approach to endangered species conservation and, while the company has worked well with the Fish and Wildlife Service to date, they are extremely frustrated with the agency's failure to work on its second HCP.

The Consultation/Habitat Conservation Planning program should receive \$54.1 million in fiscal year 2005. The additional \$7 million beyond the fiscal year 2004 enacted level of \$47.1 million would allow the Service to review proposals more rapidly so that other Federal agencies and private landowners, such as Snowshoe, may proceed with planned activities in a more timely fashion.

### **Abandoned Mine Reclamation**

The Abandoned Mine Reclamation Fund is financed by a fee assessed on the coal industry to restore previously mined lands. However, allocations from the Fund have not kept pace with receipts. According to the Office of Surface Mining, the Fund held a balance in excess of \$1.5 billion as of March 31.

Given that OSM has identified more than \$3 billion worth of listed safety and health problems, this is unacceptable. In the Appalachian Region alone we have an extensive inventory of human health and safety concerns threatening the well-being of those living in the coal fields. The Subcommittee should work to insure that the amounts allocated from this Fund are adequate to address the very serious health and safety issues that remain.

It should be noted that authorization for collection of the AML fee is set to expire September 30, 2004. Legislation I have sponsored, along with Representative Cubin, H.R. 3796, would extend these fee collections.

### **Indian Affairs**

Needs-based studies demonstrate that more than \$19 billion is needed to adequately address health care for Native Americans, yet the President's budget requests less than \$3 billion for the Indian Health Service. While I will continue to push the House leadership to move long overdue Indian health care authorization legislation, I ask that the Subcommittee push for funding that meets the health needs of our native population.

With regard to the Bureau of Indian Affairs, the President has asked for \$7.2 million to reorganize the BIA. This reorganization plan has been roundly rejected by tribes across the country yet the President continues to push this ill-conceived scheme. Meanwhile, needed funding for basic services such as law enforcement, public safety, child welfare, and education is not included. The Subcommittee should funnel any funds requested for reorganization into the essential service programs which effect the daily lives of Indian people.

### **Insular Affairs**

For fiscal year 2005, under a newly initialed mandatory Covenant funding agreement, the OIA budget proposes to allocate baseline funding to U.S. Pacific territories and the U.S. Virgin Islands to better meet capital infrastructure needs. Improving the infrastructure in U.S. territories has become one of the foremost issues facing island governments.

For example, in the Virgin Islands, the U.S. District Court mandated infrastructure construction in response to lawsuits filed by the Department of Justice and the Environmental Protection Agency for failures to comply with federal regulations under the Clean Water Act. Under such circumstances, it is appropriate for the Subcommittee to provide report language granting the Secretary discretion to modify the Covenant funding formula to appropriately address court-ordered infrastructure projects in the respective territories.

In 1994, Congress directed the establishment of the Federal-CNMI Initiative on Labor, Immigration and Law Enforcement. The proposed budget for OIA shifts funding for this Initiative from the CNMI/Covenant Grant category to Technical Assistance. Keeping in mind Congress' support for the Initiative, I urge the Subcommittee to include report language requiring the Department to identify such funding as a line item within the Technical Assistance category and to submit annual reports on immigration, labor and law enforcement conditions in the CNMI.

The Pacific Islands Committee (PIC) of the Judicial Council of the Ninth Circuit recently completed an assessment of the continuing education and training needs of judges and court personnel in the Pacific territories, as requested by Congress. The PIC recommends the development of a comprehensive, 20-year program at an annual cost of \$233,811. I support the recommendations made by the Ninth Circuit and ask that the Subcommittee make such funding available.

Lastly, I ask that the Subcommittee include \$2 million in the FY 2005 bill to extend the Section 177 Healthcare Program created under the Compact of Free Association with the Republic of the Marshall Islands (P.L. 99-239). This important program serves communities on the four atolls of Enewetak, Utrok, Rongelap, and Bikini which were exposed to fallout from the U.S. thermonuclear weapons testing program in the mid-1950's and should be continued.

## **Conclusion**

Clearly, the budgetary situation for the coming fiscal year is dire. The Subcommittee has very difficult choices to make in crafting the Interior Appropriations bill this year. The spending priorities identified by the Bush Administration, however, should be rejected in favor of a spending plan that will better serve the American people.