

March 29, 2012

The Honorable Daniel K. Inouye  
Chairman  
Senate Appropriations Committee  
S-131, U.S. Capitol  
Washington, DC 20510

The Honorable Thad Cochran  
Vice Chairman  
Senate Appropriations Committee  
S-131, U.S. Capitol  
Washington, DC 20510

The Honorable Jack Reed  
Chairman  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
Senate Dirksen Building, 131  
Washington, DC 20510

The Honorable Lisa Murkowski  
Ranking Member  
Appropriations Subcommittee on Interior,  
Environment, and Related Agencies  
Senate Hart Building, 125  
Washington, DC 20510

Dear Chairman Inouye, Vice Chairman Cochran, Chairman Reed, and Ranking Member Murkowski:

As the Committee begins its consideration of the Interior and Environment Appropriations bill for Fiscal Year 2013, I request support for the following programs:

**Program Title:** Contract Support Costs (CSC)

**President's Budget Request:** \$476,446,000

**Amount Requested:** +\$112,000,000 above the President's Budget

**Agency, Account:** Indian Health Service, Contract Support Costs

**Description:** The increase would bring CSC closer to full funding. The anticipated need for CSC for tribes is to provide services the government would otherwise provide. The ability for tribes to operate their own health care systems and their ability to be successful depends upon the availability to CSC funding to cover fixed and overhead costs. CSC enables tribes and tribally operated health consortiums to develop the infrastructure needed to administer Federal programs and operation of their own health programs. Without adequate CSC funding, there is measurable deterioration in the infrastructure and services of these tribal health facilities. In 2005, the Supreme Court reaffirmed in *Cherokee Nation v. Leavitt*, 543 U.S. 631, the binding nature of the government's duty to pay tribal contract support costs under ISDEAA contracts.

**Report Language Requested:** "Notwithstanding any other provision of law, the Bureau of Indian Affairs and the Indian Health Service shall, on or before April 1 of each fiscal year, circulate to every tribal and tribal organization engaged in

contracting or compacting under Pub. L. 93-638, as amended, data from the preceding year showing (1) for each tribe and tribal organization, nationally, and by Area and Region, the total amounts of funds provided for the direct costs of contracted or compacted programs, and the total amounts of funds provided for the contract support costs associated with such programs; (2) for each tribe and tribal organization, nationally, and by Area and Region, any deficiency (or surplus) in funds needed to provide required contract support costs; (3) the indirect cost rate and type of rate that has been negotiated with the appropriate Secretary for each tribe and tribal organization; (4) the direct cost base and type of base from which the indirect cost rate is determined for each tribe and tribal organization; (5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and (6) for the current fiscal year, each agency's calculation of the estimated national contract support cost requirement for all tribes and tribal organizations, based upon the President's most recent Budget submitted to Congress."

**Program Title:** Staffing and Operating Costs for New/Expanded Facilities

**President's Budget Request:** \$49,000,000

**Amount Requested:** +\$58,000,000 above the President's Budget

**Agency, Account:** Indian Health Service, Staffing and Operating Costs for New/Expanded Facilities

**Description:** I support the funding included for IHS staffing packages within the President's budget, but I am very concerned the budget request does not adequately address the staffing needs of several of the new facilities coming online this year and next. The President's IHS FY13' budget includes an increase of \$49 million to support staffing and operating costs for six new and expanded health facilities. At this level, three of the six facilities will receive staffing packages at less than 50% of their demonstrated need, and in two instances contrary to expressed contractual commitments. Another Alaskan facility, also in need of a staffing package in FY'13 was erroneously absent from IHS's request. The Barrow Replacement Hospital will be coming online in the second quarter of FY13' and should be appropriated funds for staffing along with the other 6 projects. My request for an increase of \$58 million will insure that all new and replacement health facilities reach the 85% funding commitment made by the Federal Government to meet each of these project's staffing needs. The commitments made by the federal government allowed these tribes and tribal consortia to build much needed facilities in their respective regions. IHS and Congress have the responsibility to provide funding for staff and operational costs for these facilities, as was committed. The Administration, with the direction of Congress, has been aggressive in pursuing these partnerships and it is important to support these projects so that they are successful.

**Report Language Requested:** “The Committee has provided sufficient funding to ensure that staffing for facilities built with ARRA funds, Joint Venture, or other funds, scheduled to open in FY13 but whose full staffing needs have not been included in the budget request and have not yet been appropriated money, will be funded on a timely basis at the 85% funding level.

**Explanatory language for Report Language:** ARRA provided funds to construct new IHS facilities with the secondary goal of creating jobs in the near term. Major new health facilities have significant pre-opening staffing needs, including training personnel in the operations of new facilities and equipment and additional staff to meet expanded services. Delay of such funds until official opening dates is likely to cause delays in opening these new facilities and the concurrent delay of creation of new jobs in areas of high unemployment.

**Program Title:** Contract Support Costs, Bureau of Indian Affairs

**President’s Budget Request:** \$228,000,000

**Amount Requested:** Support the President’s Budget

**Agency, Account:** Bureau of Indian Affairs, Tribal Government

**Description:** This amount would fully fund the anticipated need for contract support costs for tribes who are providing services the government would otherwise have to provide. The ability for tribes to operate their own health care systems and their ability to be successful depends upon the availability to CSC funding to cover fixed costs.

**Program Title:** Small and Needy Tribes

**Support President’s Budget Request:** \$1,947,000

**Agency, Account:** Bureau of Indian Affairs, Tribal Government

**Description:** Bureau of Indian Affairs fulfills its goal of Indian self-determination through the Tribal Priority Allocation (TPA) account within its budget, which is the primary source of funding for many tribal governments. The Tribal Priority Allocation provides tribal governments with the flexibility to respond to the urgent and changing needs of their tribal citizens. Without appropriate TPA support, the promise of Indian self-determination cannot be fulfilled. With many small tribes this funding is critical to provide access to funding in times of critical need.

**Agency, Account:** Department of Interior, Indian Health Services

**Bill language requested:** ACCESS FOR NATIVE AMERICANS UNDER PPACA. (a) IN GENERAL. Title I of the Patient Protection and Affordable Care Act is amended (1) in section 1311(c)(6)(D), by striking (as defined in section 4 of the Indian Health Care Improvement Act) and inserting (as defined in section 447.50(b)(1) of title 42 of the Code of Federal Regulations, as in effect on July 1, 2010) ; and (2) in section 1402(d)(1), by striking (as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d))) and

inserting (f) (as defined in section 447.50(b)(1) of title 42 of the Code of Federal Regulations, as in effect on July 1, 2010) . (b) INDIVIDUAL MANDATE. In section 5000A(e)(3) of the Internal Revenue Code of 1986, by striking (as defined in section 45A(c)(6)) and inserting (as defined in section 447.50(b)(1) of title 42 of the Code of Federal Regulations, as in effect on July 1, 2010).

**Description:** "Indian" is defined three different ways within the PPACA. I am requesting one uniform definition to correct this mistake, which would prevent certain Alaska Natives and Native Americans from being denied health care coverage because they are not a member of a federally recognized tribe.

**Program Title:** Collaborative Forest Landscape Restoration

**President's budget request:** \$40 million

**Amount requested:** \$40 million

**Agency:** USDA Forest Service

**Account:** National Forest System

**Description:** The Collaborative Forest Landscape Restoration Program supports collaborative forest and watershed restoration projects that reduce wildfire suppression costs, create jobs and value-added forest products, improve forest and watershed health, and leverage non-Federal investments. Funding will enable the Forest Service to implement high-priority projects from around the country.

**Bill Language Requested:** At the appropriate place, insert the following:

SEC. \_\_\_\_. The Roadless Area Conservation Rule Sections 294.10 through 294.18 of title 36, Code of Federal Regulations, published at , 66 Fed Reg. 3244-3273 do not apply with respect to any National Forest System lands in Alaska.

**Agency:** USDA Forest Service

**Bill Language Requested:** At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

**Agency:** USDA Forest Service.

**Program Title:** Management of National Forest Service Lands for Subsistence Uses

**President's Budget Request:** \$0

**Agency, Account:** USDA Forest Service, Other Appropriations

**Description:** The FY 13 budget zeros out this specific appropriation and transfers funding to the new Integrated Resources Restoration fund. The FY 08 level was \$5 million. Subsequent levels have been inadequate to fulfill the USFS contribution to federal subsistence management under their ANILCA obligations. Funding the traditional line item ensures accountability to rural Alaskans in the 17 million acre Tongass National Forest and 6 million acre Chugach National Forest, the nation's two largest forests. I would appreciate any additional funding the Subcommittee could provide for this important program.

**Program Title:** Integrated Resource Restoration

**President's Budget Request:** \$793,124,000

**Amount Requested:** +\$5,000,000 above the President's Budget

**Agency, Account:** USDA Forest Service, Line Item Construction

**Description:** Request \$5 million additional funds to support the agency's forest products/timber sale program. The forest products program has been subsumed by the Integrated Resources Restoration program in the President's proposed FY2013 budget. The funding allows the chief of the USFS to follow through on commitments to complete 10 year sales which allow for regional economic development.

**Program Title:** Alaska Conveyance and Lands Program

**President's Budget Request:** \$16,741,000

**Agency, Account:** DOI, Bureau of Land Management

**Description:** Congress noted the lack of progress in transferring lands to the State of Alaska (1959) and Alaska Native Corporations (1971) in the Alaska Land Conveyance Act of 2004. The Act set timelines to speed the decades of delay. Restoring to historic funding levels sustains progress toward the program goal. Only half of the roughly 150 million acres owed the state and native corporations has been conveyed and patented. I would appreciate any additional funding the Subcommittee would be able to provide for this important program.

**Program Title:** National Geospatial Program within the Core Science Systems, Partnerships and External Coordination

**President's Budget Request:** \$66,074,000

**Amount Requested:** +\$5,000,000 above the President's Budget

**Agency, Account:** DOI, USGS

**Description:** Only 20-25% of Alaska's land mass has modern elevation level data. Through partnerships and cost-sharing with DOD and the State of Alaska, this program collects that data. Lack of accurate elevation data is a safety hazard for general aviation and delays resource development activity. In contrast, 35-40% of the lower 48 states have modern LIDAR imagery and the quality of older data is higher. Funding the program at President's request level or higher will provide opportunity to rapidly acquire more data. DOI alone manages over 60% of Alaska's land mass and bears significant responsibility for acquiring the data.

**Bill Language Requested:** At the appropriate place, insert the following:  
SEC. \_\_\_ Priority shall be given to strategic digital mapping initiative programs that receive matching funds from other federal agencies and or state governments. Priority should also be given to mapping programs with high concentrations of federal land ownership and the lowest quality elevation data.

**Program Title:** Environmental Assessment

**President's Budget Request:** \$16,159,000

**Amount Requested:** +\$1,000,000 above the President's Budget

**Agency, Account:** DOI, Bureau of Ocean Energy Management

**Description:** FY2012 Appropriations language transferred responsibility from the Environmental Protection Agency to BOEM for air quality permitting activity in the Outer Continental Shelf. The additional funds provided are to ensure program knowledge and air shed modeling data transfer does not delay future Exploration Plan approval.

If you have any questions, please contact Cory Turner of my staff at (202) 224-7309.

Sincerely,



Mark Begich  
United States Senator