

**EXAMINING THE PRESIDENT'S  
FISCAL YEAR 2024 BUDGET REQUEST  
FOR THE BUREAU OF INDIAN  
AFFAIRS AND OFFICE OF  
INSULAR AFFAIRS**

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**OVERSIGHT HEARING**

BEFORE THE  
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS  
OF THE  
COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTEENTH CONGRESS  
FIRST SESSION

Thursday, May 25, 2023

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**OVERSIGHT HEARING ON EXAMINING THE  
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**Thursday, May 25, 2023  
U.S. House of Representatives  
Subcommittee on Indian and Insular Affairs  
Committee on Natural Resources  
Washington, DC**

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The Subcommittee met, pursuant to notice, at 9:15 a.m. in Room 1324, Longworth House Office Building, Hon. Harriet M. Hageman [Chairwoman of the Subcommittee] presiding.

Present: Representatives Hageman, Radewagen, LaMalfa, González-Colón, Carl, Moylan, Westerman; Leger Fernández, Sablan, and Case.

Ms. HAGEMAN. The Subcommittee on Indian and Insular Affairs will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on examining the President's Fiscal Year 2024 budget request for the Bureau of Indian Affairs and the Office of Insular Affairs.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. HARRIET M. HAGEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING**

Ms. HAGEMAN. The Subcommittee is meeting today to conduct oversight of the budget request for the agencies under our jurisdiction.

As I stated in our first budget hearing, under the Constitution, Congress has the power to tax and to spend, and we have a responsibility to make sure that it is done wisely. There are finite Federal resources, and agencies must be held accountable for their spending and prioritization of programs and policies.

Federal funding for programs and services for federally recognized Indian tribes and U.S. Insular Affairs spans several Federal agencies. However, the majority of that spending falls within two Department of the Interior agencies: the Bureau of Indian Affairs, or BIA; and the Office of Insular Affairs, or OIA. This hearing will focus on the President's Fiscal Year 2024 budget request for BIA

and OIA, along with how best to allocate funds and what changes may need to be made.

Over the past several years, there has been a substantial increase in Federal funding across agencies and programs, including those that serve Native communities. This increased spending means a higher deficit: an intense concern for many Americans about the fiscal future facing our nation. We are at \$32 trillion in debt, and that is unsustainable.

Beginning with the BIA, this agency is charged with honoring the United States' treaty and trust responsibilities toward American Indians and Alaska Natives and the 574 federally recognized tribes in the United States. The agency administers 55 million surface acres and 57 million acres of subsurface mineral estates held in trust by the United States for tribes and for individual American Indians and Alaska Natives. It also provides programs for tribes that address community services, public safety, and to encourage economic opportunity for Native communities.

The President's budget proposes a \$684 million increase for the BIA for Fiscal Year 2024. It proposes to transfer 105(1) leases and contract support costs to mandatory spending, which would then bypass the appropriation process. It also proposes to focus more resources on conservation, so-called climate change, and energy development that is allegedly renewable, but which can have its own profound impacts on our environment, our wildlife, and our fisheries, not to mention the fact that such energy resources are astronomically expensive and tend to be viable only with substantial Federal subsidies, which increases our cost of energy across the board, resulting in energy poverty, including within our Native communities.

This focus on so-called climate change and alternative energy cannot take away from the BIA's responsibility to ensure tribes are not limited in opportunity for natural resource development on their tribal lands, which is an issue that has been brought to me repeatedly by numerous tribes from around the country.

For many tribes, real property holdings are the basis for social, cultural, and religious life, and often their single most important economic resource. Access to resource development cannot be pared back in the name of broadly and nebulously-defined climate goals. History has shown that we can balance conservation and resource development, and tribes are actually the experts on this. They have knowledge and the experience to make it work, and BIA should be supporting those efforts of self-determination.

The President's Fiscal Year 2024 budget also includes a proposed \$30.5 million for tribal land consolidation without indicating that intensive improvements have been made from the way the previous land buyback programs have been managed. Throwing more money at the complicated issue of land fractionation will not get us anywhere without reconsidering how to deal with the issue of probate and focusing resources on how to pursue outcomes on this issue that are the very best for our tribes.

Turning to the OIA, this is an agency charged with carrying out responsibilities for U.S. insular areas. This includes the U.S. territories of Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, as well as

implementing the Compacts of Free Association, or COFA, for the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

OIA's budget shows a \$211 million decrease for Fiscal Year 2024. My understanding, however, is that this reflects the expiration of the economic assistance to the Marshall Islands and Micronesia under the current COFA, and the Fiscal Year 2024 budget does not include proposals for a future COFA that is in the process of being renegotiated.

While it was expected that this information would be communicated separately, I would encourage this Administration to be more open and communicative regarding how much funding future COFA agreements will cost, and have a discussion with Congress about where that funding should come from, and which department receives and administers it.

Continuing oversight of BIA and OIA to ensure they are fulfilling their mission efficiently and effectively for the benefit of Native communities and the insular areas is a main priority of this Subcommittee. Today, that means having a productive discussion about these agencies' budgets and where resources should be allocated.

Both BIA and OIA are charged with the responsibility of maintaining the important relationships between the U.S. Government and the tribes and the U.S. insular areas, respectively.

I want to thank the witnesses for being here to testify today, and I look forward to your testimony.

The Chair now recognizes the Ranking Minority Member for her statement.

**STATEMENT OF THE HON. TERESA LEGER FERNÁNDEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO**

Ms. LEGER FERNÁNDEZ. Thank you so very much, Chairwoman, and thank you witnesses for being here.

And I do think that we are sitting at this moment on this day, on this dais, and with these witnesses at a critical point of how do we view the priorities regarding the budget. We must remember that a budget is a reflection on our values, and today we have a sharp contrast on Republicans' and Democrats' vision of those priorities.

Republicans' priority at this moment is to create a crisis, a needless crisis over the debt limit. They call for drastic cuts to spending for those who most depend on our Federal funding. It is hypocritical, I believe, to call for these drastic cuts when it was under Republican leadership that the bulk of this deficit was created. The Trump administration added \$8 trillion to the deficit. The Trump administration added up to \$8 trillion to the deficit.

The next largest contribution to the deficit was also under a Republican President, and that was President Bush. These deficits were not needed. They were not incurred to help working Americans, but they were targeted to the wealthiest and largest corporations among us. The Trump tax cuts alone, which benefited the wealthiest in America, added \$2 trillion to the deficit.

Now, let's contrast that with this Administration. Under the first 2 years, President Biden decreased, decreased the deficit by \$1.4 trillion under the first 2 fiscal years. So, we can see that with Democrat Presidents, and when the House and Senate are under Democrat control, we decrease the deficit, even as we were investing in what truly needed to be done, responding to the pandemic, making sure people had an ability to get back to work. We have now increased employment, so it is at projected levels from before the pandemic ever hit.

So, let's look at the budget of which this budget that you are presenting is part of. That budget is anticipated to be part of a plan to continue to decrease the deficit. There has been placed by this President a budget that would reduce the deficit by close to \$4 trillion without harming the most vulnerable among us.

I want to talk a little bit more about what the Republican default on America plan would mean. It would lead to 1,500 fewer tribal law enforcement personnel, 500 fewer teachers and other school staff, 25 percent less funding available for basic education, and a delay in funding construction for the schools. I have been to those tribally-based schools, and they need work. Some of them look like they should be condemned. And, sadly, many of our tribal buildings where our children learn have been condemned.

So, I want to look at what you are proposing, which is part of this larger budget, which would indeed bring down the deficit. And the reason it brings down the deficit is this Administration is willing to increase revenues. It is not just about cutting spending; it is increasing revenues. And there are ways to do it that are fair: a minimum tax, making sure that everybody pays their taxes, let the IRS go after those millionaire and billionaire tax cheats.

That is what we need to have happen, because what we have presented here are key increases for initiatives like law enforcement for murdered and missing Indigenous peoples; economic development projects; Native language revitalization; climate resilience grants, because it is not a so-called climate crisis, we are living through that climate crisis; forestry projects; and Indian land consolidation.

The budget also proposes \$199 million for BIA construction activities. That includes public safety facilities, as well as irrigation and dam infrastructure.

I know that these funding increases are so needed at the agency because one of the reasons why we don't get stuff done fast enough, and we want you to get stuff done a lot faster, is you need people, we need personnel.

With that, I yield back, Madam Chairwoman.

Ms. HAGEMAN. Now, I will introduce our witnesses: Mr. Bryan Newland, Assistant Secretary, Indian Affairs, Bureau of Indian Affairs in Washington, DC; and Ms. Carmen Cantor, Assistant Secretary for Insular and International Affairs, Office of Insular Affairs, Washington, DC.

Let me remind the witnesses that under Committee rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record.

To begin your testimony, please press the talk button on the microphone.



We use timing lights, and when you begin the light will turn green. When you have 1 minute left, the light will turn yellow. And at the end of 5 minutes the light will turn red, and I will ask you to please complete your statement.

I will also allow all witnesses on the panel to testify before Member questioning.

The Chair now recognizes Mr. Newland for 5 minutes.

**STATEMENT OF THE HON. BRYAN NEWLAND, ASSISTANT SECRETARY—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Mr. NEWLAND. Thank you, Madam Chair. Good morning, members of the Committee and Ranking Member. I appreciate the opportunity to appear before the Subcommittee today to present testimony on President Biden's Fiscal Year 2024 budget request for Indian Affairs at the Department of the Interior.

This budget request includes \$4.7 billion in funding for the Bureau of Indian Affairs, the Bureau of Indian Education, and the Bureau of Trust Funds Administration, as well as programmatic functions within the Office of the Assistant Secretary. It also includes proposed mandatory reclassifications for contract support costs and 105(1) tribal leases.

The total request for the Bureau of Indian Affairs is \$3 billion, which would include \$642 million for public safety and justice operations, an increase of \$62 million. Operational funding supports expanding tribal needs and policing, detention, as well as tribal courts.

To strengthen tribal homelands, the budget also includes a language proposal for the Carcieri fix, which will ensure that all federally recognized tribes have the same ability to place land into trust.

The BIA is also requesting \$30.5 million for the Indian Land Consolidation program to continue addressing fractionation of Indian lands.

And the budget also includes \$12 million for the creation of a new Tribal Land and Water Conservation Fund acquisition program for tribes.

As part of our government-wide efforts to strengthen tribal communities, our budget includes an increase of \$38 million. This includes \$79 million for social services, which will support expanded implementation of the Indian Child Protection and Family Violence Prevention Act.

In addition, our budget includes increases of \$26 million to expand the Tiwahe Initiative through several human services programs, including the Housing Improvement Program.

Our budget also includes an additional \$27 million investment in Native language revitalization, which is crucial to preserve endangered tribal languages, and has been highlighted as a priority through the Secretary's Boarding School Initiative.

The budget also proposes \$2.8 billion in new mandatory funding over 10 years for tribal water rights settlement requirements, including \$2.5 billion to cover the costs of enacted and future settlements and \$340 million for ongoing costs associated with

settlements that have already been enacted and that are managed by the Bureau of Reclamation.

The budget also invests in infrastructure needs in Indian Country. For example, we include an increase of \$24 million for replacement and deferred maintenance projects to address public safety and justice facilities, particularly our BIA jail system. The budget includes \$51 million for road maintenance, an increase of \$12 million to support maintenance activities on roads across Indian Country.

We are also seeking limited additional funding to meet our staffing needs across Indian Affairs, including building up our capacity through the White House Council on Native American Affairs, which coordinates activities across all Federal agencies, as well as addressing the growing demand on our staff by tribal requests for 105(l) tribal leases.

The President's Fiscal Year 2024 budget request for BIE programs at the Department totals \$1.6 billion. This includes \$416 million for education construction to replace and repair school facilities and address deferred maintenance across our BIE school system. Out of our 163 schools in the BIE system, more than 80 are listed as in poor condition. This funding will help ensure that all Native students have a quality learning environment.

With respect to the Bureau of Trust Funds Administration, we are seeking \$109 million. This is actually \$2.2 million below the Fiscal Year 2023 enacted amount, which reflects a proposed transfer of funding for probate work within the Office of Hearings and Appeals from BTFA to BIA to address our probate backlog.

And we also want to encourage Congress to accept the BTFA organizational structure in the Fiscal Year 2024 appropriations bill. BTFA provides a unique Federal trust function that must remain separate from the Bureau of Indian Affairs.

We believe that this budget proposal reflects the United States' and the President's commitment to upholding our trust and treaty responsibilities, and will improve life for Indian people in tribal communities across Indian Country.

Thank you, Madam Chair. I look forward to answering any questions you and Members may have.

[The prepared statement of Mr. Newland follows:]

PREPARED STATEMENT OF BRYAN NEWLAND, ASSISTANT SECRETARY—INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Good morning, Chair Hageman, Ranking Member Leger Fernández and members of the Subcommittee. Thank you for the opportunity to testify regarding the Fiscal Year 2024 President's Budget Request for Indian Affairs.

The President's 2024 budget for Indian Affairs is \$4.7 billion—this total includes funding for all of Indian Affairs which includes the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), the Bureau of Trust Funds Administration (BTFA) and the Office of the Assistant Secretary for Indian Affairs (AS-IA), as well as proposed mandatory reclassifications for contract support costs and 105(l) Tribal leases. As the Assistant Secretary for Indian Affairs, I oversee the program offices within the BIA, the BIE, the BTFA and additional programmatic functions within the immediate AS-IA Office.

**Recent Accomplishments**

Indian Affairs is leading improvements in education, supporting economic development, improving law enforcement programs, and helping Tribes manage climate change through resiliency and adaptation, among many other policy initiatives. I

want to pause and reflect on our remarkable and collective work accomplished over the past year.

Indian Affairs has expanded the use of the Buy Indian Act to bring support to Indian Economic Enterprises. In Fiscal Year 2022, nearly \$420 million in spending went to Native-owned businesses, which represents 72% of all of Indian Affairs' purchasing power.

We are focusing on retention and recruitment. Hiring continues to be a challenge in technical fields, and we are looking at all levers we have available to improve retention and recruitment. In the area of law enforcement, the BIA Office of Justice Services team is working closely with the Indian Affairs Office of Human Capital on several strategies to support recruitment and retention. The foremost strategy is a pay parity initiative which will bring BIA law enforcement pay levels in line with other Federal law enforcement, this change would result in up to an additional \$30,000 annually for BIA law enforcement officers. We are currently in the process of converting current staff to the new pay levels and openings for new vacancies are being advertised at this higher pay rate. Our team is also meeting on weekly basis to ensure the hiring process and background checks move as quickly as possible. BIE also continues its focus on teacher and counselor pay parity to attract and retain key staff at all BIE-funded schools.

The Missing and Murdered Unit continues to collect and review unsolved cases involving Missing and Murdered American Indian/Alaska Native People; prioritize and assign cases for investigation; coordinate investigation and search & recovery resources within Indian Country; and liaison with Tribal, state, and Federal law enforcement agencies on Missing and Murdered Indigenous People related issues. Since its creation in 2021, the MMU has investigated 735 missing and murdered persons cases, solved, or closed 264 missing persons cases, and solved 8 murder cases.

The Tiwahe Initiative is working on expanding to new sites. Indian Affairs worked with existing Tiwahe sites to develop a framework for selecting new Tiwahe sites, and then conducted consultation with Tribes on the framework. Thirty-five (35) Tribes applied for inclusion in the Tiwahe Demonstration Project. We recently announced the selection of two new Tiwahe sites from this process, the Confederated Salish and Kootenai Tribes in Montana and the Paiute Indian Tribe of Utah. Additionally, we provided \$100,000 in one time funding to 10 other Tribes that applied so they can implement programs that were included in their Tiwahe proposal or to participate in the Tiwahe incubator to perform a needs assessment and develop a Tiwahe plan.

Indian Affairs is leading the investigation into the Federal Indian Boarding School system. Spotlighting this part of American history is needed for Indian Country and the United States to heal and move forward together. BTFA is the lead organization for research on this initiative. Our initial investigation identified marked or unmarked burial sites at approximately 53 different schools across the system. As the investigation continues, we expect the number of identified burial sites to increase.

Interior continues to be a government-wide leader in shaping Tribal consultation policy and facilitating Tribal input into policy development and program implementation. At the forefront of this effort is the White House Council on Native American Affairs. The Council has played a critical role in coordinating across agencies and holding government-wide consultation to facilitate implementation of the Bipartisan Infrastructure Law, Inflation Reduction Act and other critical policies.

To support teachers and administrators, the Bureau of Indian Education (BIE) is investing in BIE's Strategic Transformation of Education Program (STEP) providing professional development, upgraded technology, and enhancing our ability to provide culturally relevant education across BIE. BIE is also developing a BIE Principal's Leadership Academy to deliver professional development to school leaders, focus on educational outcome improvements, support retention of key administrators and develop our future leaders. Furthermore, BIE is implementing Behavioral Health and Wellness Programs serving BIE students, staff, and communities with mental health and wellness support. BIE school safety and security improvements continue to be a priority with targeted funding and hiring plans that support school leaders. BIE is also moving forward on clean energy goals—including Clean School Bus and School Replacement Construction initiatives that not only reduce our carbon footprint but support economic development and cleaner energy future for the students and communities we serve.

## **Bureau of Indian Affairs and Office of the Assistant Secretary for Indian Affairs**

The mission of the BIA is to enhance the quality of life, promote economic opportunity, and carry out the Federal responsibility to protect and improve the trust assets of American Indians, Indian Tribes, and Alaska Natives. The request for BIA and the AS-IA Office is \$3.0 billion in current appropriations. Within this total, the budget includes \$431.4 million for Contract Support Costs and \$82.5 million for Payments for Tribal Leases, which are requested as current mandatory funding to ensure we can continue to make these critical payments and meet other trust obligations. The 2024 budget supports an all-of government approach to addressing Federal responsibilities and Tribal needs in Indian Country. The White House Council on Native American Affairs, in coordination with Indian Affairs bureau, supports collaboration on this work across Federal agencies. We are also looking to leverage external resources. The budget includes additional funding to build out an Office of Strategic Partnerships which can leverage philanthropic funding to build on Federal resources for program delivery for Indian Country.

### *Operation of Indian Programs*

The 2024 budget for the Operation of Indian Programs account is \$2.3 billion. The 2024 budget continues to focus on the priorities put forward in our 2023 budget of increasing sovereignty over Tribal lands, advancing economic opportunities, ensuring public safety, and responding to climate change.

### *Protect and Support Safe Tribal Communities*

BIA's Office of Justice Services (OJS) funds law enforcement, corrections, and court services to support safe Tribal communities. The 2024 budget includes \$641.8 million for Public Safety and Justice (PS&J) operations, an increase of \$62.1 million above the 2023 enacted level. Operational funding supports the expanding Tribal needs in policing, detention, and Tribal courts, including those resulting from the *McGirt v. Oklahoma* Supreme Court decision.

The budget includes a \$33.5 million program increase to Criminal Investigations and Police Services, specifically targeted to increase the number of officers and investigators on the ground in Indian Country. A program increase of \$2.0 million is also requested to enhance functions within the OJS Professional Standards Directorate, including recruitment and retention initiatives, development and evaluation of law enforcement policies, program reviews, and training. The 2024 budget includes \$16.5 million to address the crisis of Missing and Murdered Indigenous People. The Missing and Murdered Unit engages in cross-departmental and inter-agency collaboration to identify gaps in information sharing and data collection to investigate these cases more effectively.

As part of a proposed expansion to the Tiwahe Initiative, the budget includes \$1.9 million for the Office of Tribal Justice Support to provide technical assistance to Tribes looking to develop and operate Healing to Wellness courts. These courts serve as alternatives to incarceration and provide a culturally appropriate forum to support those within the criminal justice system by assisting in addressing underlying behavioral health and substance abuse issues.

### *Promote Tribal Self-Determination*

The 2024 budget provides \$444.4 million for programs that support Tribal government activities. The budget includes \$240.8 million for compact activities for self-governance Tribes, enabling Tribes to plan, conduct, consolidate, and administer programs, services, functions, and activities for Tribal citizens, according to priorities established by their Tribal governments. The budget includes \$86.2 million to support Consolidated Tribal Government Programs for Tribes operating under P.L. 93-638 contracts, giving approximately 275 Tribes the flexibility to combine and manage contracted programs and grants that are similar or compatible to simplify contracting.

The Small Tribes Supplement program helps eligible Tribes expand and sustain their Tribal governance. The 2024 budget funds the program at \$23.0 million—\$16 million above 2023 enacted. This level of funding is estimated to reach a funding threshold of \$300,000 for the Tribes in this category. The budget requests an additional \$2.0 million to hire additional Awarding Officials (AOs) and support staff at regional BIA field sites in the regions to address the growing number of complex contracts that involve multiple and diverse programs. The BIA has more than 9,500 open Title I, ISDEAA contracts being administered throughout the Nation. Increased personnel will also help ensure timely Tribal payments, which is an area that has been and continues to be reviewed by the Government Accountability Office.

*Strengthen Tribal Communities*

As part of the government-wide efforts to strengthen Tribal communities, the budget includes \$205.4 million, an increase of \$38.4 million above 2023 enacted, in Human Services funding to support Indian families. This amount includes \$79.5 million for Social Services, which will support expanded implementation of the Indian Child Protection and Family Violence Prevention Act. The Act seeks to bolster child protection and ensure better coordination between child welfare and domestic violence programs in Indian Country. In addition, the budget includes increases of \$26.7 million to expand the Tiwahe Initiative through several Human Services programs.

Indian Affairs is uniquely positioned to assist in the effort to recover the histories of Federal Indian boarding schools. The 2024 budget includes \$7.0 million for the Secretary's Federal Indian Boarding School Initiative (BSI) and its comprehensive review of Federal boarding school policies. This funding will continue to implement recommendations laid out in the May 2022 Federal Boarding School Initiative Investigative Report, including continued historical research and documentation, and work to identify and protect the remains of those identified.

*Advance Indian Trust Ownership and Improve Indian Trust-related Information*

The 2024 budget includes a total of \$201.2 million for the Trust Real Estate Services activity, an increase of \$42.2 million. Also included is an appropriations language proposal to strengthen Tribal homelands through the "Carrieri Fix," which will ensure all Federally-recognized Tribes may place land into trust status.

The Trust Real Estate Services activity implements strategies to advance Indian trust ownership and improve Indian trust-related information. The 2024 budget proposes \$201.2 million for real estate services programs and supports the processing of Indian trust-related documents, such as land title and records and geospatial data, to support land and water resources use, energy development, and protection and restoration of ecosystems and important lands. An additional \$1.9 million supports the new Office of Indigenous Communication and Technology to support Tribal efforts to increase broadband access and licensing for broadband spectrum frequencies, and to advance other critical infrastructure investments. The BIA requested increase of \$2 million supports additional Realty staff at Trust field locations to manage increased infrastructure development document processing to ensure leasing, rights-of-way, and other approval processes are completed timely.

The budget also proposes to shift funding for the DOI Office of Hearings and Appeals (OHA) Probate Hearings Division to BIA from the Bureau of Trust Funds Administration. This transfer will align OHA's Probate Hearings Division function with BIA's Probate Real Estate function, allowing the Department to more efficiently process probate cases to completion by improving coordination between BIA and OHA.

BIA requests \$30.5 million, a \$22.5 million increase above 2023 enacted, for the Indian Land Consolidation Program (ILCP), which purchases fractional interests from willing individual Indian landowners and conveys those interests to the Tribe with jurisdiction. ILCP funding recognizes the ongoing need to continue to address fractionation on Indian lands while also focusing support on Tribes' plans for and adaptation to climate change. This program is especially important since the Land Buy-Back Program for Tribal Nations (LBBP), established as part of the Cobell Settlement, ended in November 2022. The ICLP has incorporated lessons learned from the LBBP and the previous ILCP in BIA to ensure effective program implementation.

The budget includes \$12.0 million for the creation of a new Tribal Land and Water Conservation Fund (LWCF) land acquisition program. During LWCF listening sessions held in 2022, one of the top priorities Tribes identified was direct access to LWCF funding for conservation and recreation LWCF projects without the existing program requirements to partner with or apply through States. BIA will primarily provide funding to Tribes to acquire lands or easements for the purposes of protecting and conserving natural resource areas that may also be of cultural importance to the Tribe or have significant recreational benefits for Tribal communities, consistent with the purposes of LWCF funding. BIA plans to hold formal Tribal consultation on the establishment and eligibility criteria of the program. This new program will further enhance the ability of Tribes to address the climate crisis, support Tribal sovereignty and self-determination, and provide another important tool to support Tribal co-stewardship.

*Invest in Climate Resilience, Natural Resource Management and Co-Stewardship*

The budget includes \$385.9 million, a \$52.7 million increase over 2023 enacted, for critical trust natural resources activities and investing in climate resilience and environmental justice.

BIA requests \$48.0 million for the Tribal Climate Resilience program. This program includes the Tribal Climate Adaptation Grant program, which is funded at \$24.8 million to better assess and meet Tribal climate adaptation needs, and the Climate Relocation Grant program, which is funded at \$15.5 million, \$6 million more than the 2023 enacted amount. The Tribal Climate Resilience program also includes \$7.8 million for Tribal youth corps programs, an important jobs initiative to tackle climate change on the ground, ensure a living wage, and provide skills and a pathway to employment.

With a focused investment in the deployment of clean energy in Tribal communities, the budget includes \$47.7 million for Energy and Minerals activities. Indian Affairs views renewable energy as one of many tools available to American Indians and Alaska Natives to create sustainable economies on Indian land.

The 2024 budget proposes to shift the Office of Subsistence Management (OSM) to the Office of the Assistant Secretary for Indian Affairs from the U.S. Fish and Wildlife Service. OSM provides administrative support to the Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils, in addition to supporting the subsistence regulatory process and the Fisheries Resource Monitoring program. Shifting OSM will maintain important expertise while facilitating expanded Tribal co-management partnerships and the incorporation of Indigenous knowledge into subsistence management.

The BIA budget further invests in the health and safety of Tribal communities. BIA requests \$38.8 million for the Environmental Quality Projects program, an increase of \$10.9 million over 2023 enacted, which includes funding to continue remediation of the former Tuba City Dump Superfund site, which continues to threaten the drinking water of the Navajo Nation and the Hopi Tribe.

*Advance Economic Opportunities*

The 2024 budget funds the Community and Economic Development activity at \$77.6 million, a \$46.4 million increase above 2023 enacted levels, to advance economic opportunities in Indian Country. Within the total funding provided, Job Placement and Training is funded at \$15.8 million and includes an additional \$2.0 million for job training programs focusing on clean energy development that is a complementary investment to the Tribal Electrification funding provided in the Inflation Reduction Act. Economic Development projects are funded at \$50.7 million and include a request for an additional \$27.5 million investment in Native language revitalization, which is crucial to preserve endangered languages, promote self-determination, and strengthen Tribal communities. BIA also requests a \$5.0 million increase to establish an economic development component of the Tiwahe Initiative, which will provide funding directly to Tribal governments to design and operate comprehensive and integrated economic and community development programs.

The 2024 budget request for the Indian Guaranteed Loan Program is \$15.5 million, which will guarantee or insure \$202.3 million in loan principal to support Indian economic development across Indian Country. This includes an additional \$1 million for loan subsidies and \$0.5 million for staffing to increase technical assistance. By strengthening the economic base of Tribal communities, the Tribal governments near those businesses progress toward greater self-determination.

*Land and Water Claims Settlements*

Tribal land and water rights settlements ensure that Tribes have access to land and water to meet domestic, economic, and cultural needs. The 2024 budget proposes \$976,000 for the Settlements account. The 2024 funding request covers the continuing implementation of the White Earth Reservation Land Settlement Act (Public Law 99-264) and Truckee River Operating Agreement (Public Law 101-618). The Budget also proposes \$2.8 billion in new mandatory funding over 10 years for Tribal water rights settlements requirements, including \$2.5 billion to cover the costs of enacted and future settlements and \$340 million for ongoing costs associated with enacted settlements managed by the Bureau of Reclamation.

*Infrastructure Investment*

BIA is responsible for more than 29,000 miles of paved, gravel and earth-surface roads and more than 1,000 bridges. Maintaining these roads is critical to public safety, education and economic development purposes. The FY 2024 budget includes \$51.3 million for road maintenance, an increase of \$12.1 million to support pave-

ment and gravel maintenance, remedial work on improved earthen roads, bridge maintenance, and snow and ice control.

The 2024 budget includes \$199.8 million for Construction activities, a \$46.5 million increase from the 2023 enacted level. The funding includes an increase of \$23.8 million for replacement and deferred maintenance projects to address needs at PS&J facilities, particularly detention centers. It also includes a \$4.6 million increase for the irrigation rehabilitation program, and additional land an additional \$10.3 million for Dam maintenance. BIA is responsible for 141 high- or significant-hazard dams on 42 Indian reservations. The Construction program also includes a \$6.8 million increase to support the Administration's governmentwide goal to accelerate the use of zero-emission vehicles to enable a clean transportation future.

#### *Capacity Building*

The budget includes critical staff capacity building across our programs. The needs range from an increase for human capital capabilities to supporting the White House Council on Native American Affairs in its critical role coordinating the Federal Government's engagement with Tribal communities, to providing adequate staffing for the 105(l) Tribal lease program which is on a path to have over 200 leases in place in FY 2023. Adequate staffing is critical to ensuring timely and effective delivery to the Tribal nations we serve.

#### **Bureau of Indian Education**

The FY 2024 budget request for BIE programs within the Department totals \$1.6 billion. The Budget includes key investments to strengthen BIE's autonomy as a Federal agency and improve local services for Tribally controlled and bureau-operated schools while also advancing equity for historically underserved Tribal communities.

#### *Operation of Indian Education Programs*

The 2024 budget provides \$1.2 billion for Operation of Indian Education Programs. The core mission of BIE is to support Bureau Operated and Tribally Controlled schools and administer grants to Tribal institutions of higher education.

The request includes \$925.5 million for operating the entire BIE elementary and secondary school system—169 elementary and secondary schools, and 14 dormitories—by providing educational services to approximately 45,000 students in 23 States. Funds support the basic and supplemental education programs at BIE-funded schools, student transportation, facility operations, and maintenance. The budget advances sovereignty in education by proposing a provision allowing for the expansion of more than one grade at BIE-funded schools with a K-2 or K-4 structure. Currently, K-4 schools are only allowed to expand by one grade. This proposal will allow BIE to expand educational services to communities already being served.

The 2024 request includes targeted funding to improve Indian student academic outcomes, address maintenance needs, support expanded preschool and Native language programs, and provide pay parity for Tribal teachers while fully funding projected Tribal Grant Support Costs. The Budget provides \$508.7 million, a \$27.0 million increase over 2023 enacted, for Indian School Equalization Program funds to enhance opportunities and outcomes in the classroom, provide improved instructional services, and support increased teacher quality, recruitment, and retention. The request level of \$22.1 million, including a \$500,000 program increase, for Education Program Enhancements supports professional development for teachers, advances the quality of in-classroom instruction, and incorporates improved Native language and culture programs in classrooms. Early Child and Family Development funding of \$26.1 million enables BIE to provide preschool opportunities at BIE-funded schools.

For Facilities Operations and Maintenance, BIE requests \$160 million, a \$5.6 million increase over the 2023 enacted amount, and includes investments to keep pace with operational cost increases and support the timely maintenance and replacement of equipment at BIE schools. The Budget also includes \$22.6 million, including a \$2.0 million program increase, for the Johnson-O'Malley program, which is authorized to support the individualized educational needs of eligible Indian students enrolled in public schools and nonsectarian private schools.

The Budget continues to invest in activities that promote educational self-determination for Tribal communities and includes \$98.7 million for Tribal Grant Support Costs for Tribes that choose to operate BIE-funded schools. This level of funding supports 100 percent of the estimated requirement. The request includes \$189.6 million for Postsecondary Programs, a \$6.0 million increase over 2023 enacted. The 2024 budget continues recognition of the critical role Tribal postsecondary institutions have in empowering Indian students and promoting

equity for Tribal communities. These institutions are on or near reservations; they directly serve Tribal communities with culturally relevant education and career pathways in a supportive environment. Postsecondary education of Tribal members remains an essential component in the economic development of many Tribes.

The proposed budget will provide \$34.9 million, including a \$2.0 million program increase, for BIE operated Haskell Indian Nations University and Southwestern Indian Polytechnic Institute; \$87.9 million for grants to 29 Tribal Colleges and Universities (TCUs); and \$10.7 million for grants for two Tribal Technical Colleges, as well as \$43.4 million for the Scholarships and Adult Education program to improve educational opportunities and serve a larger population of qualified Native American students.

#### *Education Management*

The Budget includes \$79.3 million, an increase of \$12.1 million over 2023 enacted, for education management and information technology (IT) to optimize learning opportunities for students of all ages. Education Program Management (EPM) funding supports ongoing improvements in high-priority functional areas, including acquisition, school safety and security, behavioral and mental health support, performance tracking, and technical support to schools in the field. Other management activities include data collection, analysis, and reporting; financial and budget functions; oversight and coordination of major facility repairs; and management of grant applications. BIE IT includes the Native American Student Information System, wide area network infrastructure, and general support systems used by BIE-funded schools.

The budget proposes \$33.7 million, an increase of \$5.8 million over the 2023 enacted level, for Education IT to support the ongoing costs of distance learning and enhanced classroom technology. BIE continues to collaborate with Tribes and communities to alleviate ongoing strains imposed by the COVID-19 pandemic on BIE students and their families, teachers, administrators, and other staff members in K-12 schools and at TCUs. The 2024 Budget will enable BIE to leverage ongoing infrastructure investments in new technology and operational capabilities at BIE-funded schools, including the new Education Learning Management System, by supporting comprehensive online delivery of educational courses to students and professional development opportunities for teachers.

EPM initiatives in 2024 include the continued implementation of a School Operations Office of Self-Determination to develop Tribal capacity and promote maximum Indian participation in educational programs and services; and BIE's Social Emotional Learning project to develop a national curriculum to support behavioral health and wellness programs at BIE-funded schools. The funding in 2024 will also allow EPM to calculate and report on methodologies for maximizing the benefits to underserved communities.

#### *Education Construction*

The 2024 Budget includes \$416.2 million, an increase of \$148.3 million over 2023 enacted, in annual funding for Education Construction to replace and repair school facilities and address deferred maintenance needs at campuses across the BIE school system. This funding includes substantial investments to address the climate crisis with more sustainable BIE infrastructure. Whenever feasible, BIE facilities projects incorporate techniques to reduce energy and water consumption and greenhouse gas emissions and to prepare the facilities for the predicted effects of climate change.

The proposed \$252.5 million for Replacement School Construction, a \$136.0 million increase over the 2023 enacted amount, and \$23.9 million for Replacement Facility Construction are critical to ensuring that all Native students can develop in an environment conducive to quality educational achievement. With the Replacement School Construction, Replacement Facility Construction, and Great American Outdoors Act (Public Law 116-152) funding anticipated through 2024, BIE expects to support planning, design, and construction work at nine BIE schools; final allocations are pending completion of the design phase and refined cost estimates for each school. Appropriate housing is a key element for educational staffing, especially at schools in remote locations. An additional \$139.8 million is included for other housing and facilities repair programs, including a \$9.7 million program increase for facilities improvement and repair and a \$2.5 million increase for new/replacement employee housing.



### **Bureau of Trust Funds Administration**

The FY 2024 budget includes \$109.1 million to support BTFA's execution of Federal trust responsibilities to American Indian and Alaska Native Tribes, individuals, and communities. The request is \$2.2 million below the FY 2023 enacted reflecting the proposed transfer of funding supporting probate related work in the Office of Hearings and Appeals from BTFA to BIA. The budget promotes investments in programs to ensure the Department is meeting its financial management trust obligations. It also includes a targeted increase for staffing needs to improve customer service and advance the Department's Diversity, Equity, Inclusion and Accessibility Initiative.

I strongly encourage the Congress to accept the BTFA organizational structure in the FY 2024 appropriations bill. BTFA provides a unique Federal trust function that is appropriately separate from the responsibilities of the BIA. Approving this structure will strengthen the organization's ability to focus on its core mission responsibilities and on additional complex and high-visibility projects. Specifically, BTFA is leading the research effort on the Secretary's Federal Indian Boarding School Initiative and has the lead on implementing an Electronic Records Management Program for all of Indian Affairs. In addition, improving government customer service is one pillar of the President's Management Agenda. In that arena, BTFA is one of four High Impact Service Providers at DOI, and works extensively, along with other agencies, to improve services to our beneficiaries.

### **Concluding Statement**

This FY 2024 budget continues to support the Administration's commitment to honor trust responsibilities to Tribes and self-determination. The 2024 budget continues investments to empower Tribal communities, strengthen climate resilience, improve quality of life, create economic opportunities, increase focus on environmental quality and justice needs in Tribal communities, and preserve and foster cultural heritage. Interior's programs maintain strong and productive government-to-government relationships with Tribes, helping to promote Tribal nation building and self-determination.

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QUESTIONS SUBMITTED FOR THE RECORD TO BRYAN NEWLAND, ASSISTANT  
SECRETARY—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

**The Honorable Bryan Newland did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

### **Questions Submitted by Representative Westerman**

*Question 1. This year's request for Assistant Secretary Administrative Support is for \$1.81 million, which includes support for the Office of Self-Governance. The narrative does not include any discussion of funding to support the Department's negotiated rulemaking required by Section 413 of the PROGRESS for Indian Tribes Act.*

*1a) Please explain where the funds to support that rulemaking prior to April 20, 2023, came from.*

*Question 2. The Department's authority to promulgate the negotiated rule expired on April 21, 2023. Can you confirm whether the negotiated rulemaking committee required by the PROGRESS Act has ceased activity after the expiration of authority to promulgate the rule as required by the PROGRESS Act?*

*2a) If you have not asked for more funding to support negotiated rulemaking, is it the Department's position that the negotiated rulemaking should not proceed?*

*2b) Can you confirm that the Department of the Interior is not spending any previously appropriated funds on the negotiated rulemaking process after the authority to promulgate has expired?*

*Question 3. Please follow up with the committee with specifics of how much in federal funds were set aside for facility building or renovation in Indian Country through all the supplemental funding bills that Congress has passed since 2020, including in:*

*3a) the CARES Act,*

*3b) the American Rescue Plan and;*

3c) the Inflation Reduction Act.

3d) Please include if funds were specifically set aside for detention

3e) How much of those funds have been expended and how much is left to spend?

Question 4. Please expand on your answer about the Bureau of Indian Affairs plan to address the rest of the facilities that need repair or upgrades throughout Indian Country.

Question 5. Please expand on your answer about how you are working with tribal police departments to solve issues of retention. Is there an area where Congress can assist, beyond providing more funds?

Question 6. Last month, the DOI Inspector General released a report that again highlighted the long-standing health and safety issues at detention facilities managed by three tribes in Arizona. The IG report stated that given the seriousness of the issues found at these facilities, they were being brought to BIA's attention before a final draft audit report was issued on the larger performance audit of BIA funded and/or operated detention programs.

6a) Are you aware of that report, and what specific actions are you taking at this time to resolve those issues?

6b) What projects have specifically been completed? What is BIA's plan to address the rest of the facilities that need repair or upgrades?

Question 7. Please expand further on the Tribal Climate Resilience program and answer:

7a) Why has most of the funding for this program has only been put toward planning costs?

7b) Shouldn't the bulk of money that Congress chooses to appropriate for this program go toward implementing plans and providing tribal communities tools to use to address changes in their community?

Question 8. Please further expand on your answer of how the Bureau is planning to work to reduce land fractionation, particularly regarding probate.

8a) What program changes is the Bureau working toward that will move toward the goal of less fractionated Indian lands?

8b) What policy changes does Congress need to implement to work toward the goal of less fractionated Indian lands?

#### **Questions Submitted by Representative Grijalva**

Question 1. BIA has been historically underfunded, does this year's budget request adequately meet BIA's current needs? If it doesn't, can you elaborate on how much of a gap remains?

Question 2. The ongoing debt ceiling negotiations are proposing claw backs of unobligated pandemic relief funds, among other concerning proposals.

2a) Can you describe what the impacts to BIE would be if Congress decided to take away unobligated pandemic funds?

2b) In addition, how would BIE services be impacted if the agency is forced to return to FY 2022 enacted levels, as proposed by House Republicans?

Question 3. I've been pleased to see the growing interest in tribal co-management in recent years. Could you update us further on the Department's work in this space?

Question 4. This year's budget request includes increased funding for the Tribal Climate Resilience Program and the Climate Relocation Grant Program. Could you share the importance of these programs and how they support tribal governments responding to climate change?

#### **Questions Submitted by Representative Leger Fernández**

Question 1. The FY 2024 budget proposal also includes \$199.8 million for various Construction activities. As we've heard time and time again from tribal leaders, there are many existing infrastructure issues in Indian Country. How does BIA plan to swiftly implement these proposed funds to ensure that physical infrastructure is not a limiting factor to tribal governments' abilities to provide services to their communities?

*Question 2. Similarly, during the oversight hearing on economic development earlier this year, we heard about the importance of roads for growing tribal businesses and economic opportunities. BIA has proposed an increase of \$12 million for Roads Maintenance. This builds upon the investments made in the program under the Infrastructure, Investment, and Job Act last Congress. Can you provide us with a status update on the rollout of these funds and how the budget proposal will further support the Bureau's current work?*

*Question 3. The budget request also includes \$7 million for the Secretary's Federal Indian Boarding School Initiative. This is an issue that Committee Democrats have tracked closely and we are pleased to see it come to fruition within the Department.*

*3a) Can you provide us with a status update on the implementation of the recommendations included in the 2022 Federal Boarding School Initiative Investigations Report?*

*3b) How does the budget proposal support this ongoing work?*

*Question 4. As you know well, Indian Country maintains complex criminal jurisdictions across tribal, state, and federal entities. BIA plays a critical role in providing law enforcement services and resources to tribes, which is something that we support here in Congress.*

*4a) That said, how does this year's budget proposal prioritize law enforcement and public safety for tribal communities?*

*4b) What more can Congress do to help the Bureau support tribal governments?*

*Question 5. This year's budget request includes a proposal to shift funding for the Office of Hearings and Appeals Probate Hearings Division from the Bureau of Trust Funds Administration (BTFA) to BIA. Would you elaborate on this proposed funding shift and what it will improve within the agency's work in this area?*

#### **Questions Submitted by Representative Carl**

*Question 1. It is my understanding the use of land purchased using this money must be consistent with the rules of the Land and Water Conservation Fund. What happens if a hundred years from now a Tribal Council wants to use the land in a different way to benefit their community?*

Ms. HAGEMAN. Thank you.

The Chair now recognizes Ms. Cantor for 5 minutes.

#### **STATEMENT OF THE HON. CARMEN CANTOR, ASSISTANT SECRETARY FOR INSULAR AND INTERNATIONAL AFFAIRS, OFFICE OF INSULAR AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Ms. CANTOR. Good morning, Madam Chair and members of the Committee on Natural Resources. Thank you for the opportunity to testify on the Fiscal Year 2024 budget request for the Office of Insular Affairs, or OIA.

OIA is responsible for administering the Federal Government's relationship with the territories of American Samoa; the Commonwealth of the Northern Mariana Islands, CNMI; Guam; and the United States Virgin Islands, USVI. OIA also administers the financial assistance provided to the Freely Associated States of the Federated States of Micronesia, FSM; the Republic of the Marshall Islands, RMI; and the Republic of Palau under the Compacts of Free Association.

The proposed Fiscal Year 2024 Insular Affairs budget totals \$536.6 million, a decrease of \$211.5 million from the 2023 enacted appropriation. This decrease is almost entirely attributed to the expiration of certain financial provisions of the 2003 Compacts of Free Association.

The request for current appropriations for 2024 is \$122.3 million. This amount is a decrease of \$6.6 million from the 2023 enacted appropriation. Included in this amount in this current appropriation request are \$94.5 million in discretionary funding and \$27.7 million in mandatory funding.

The President's 2024 budget request continues support for core OIA programs within the assistance to territories appropriation. These programs provide the territories with much-needed funding for the delivery of public services, such as health and education, infrastructure investments, and technical assistance.

In addition to these important activities, the 2024 budget also seeks to advance energy independence of the insular areas by providing \$15.5 million to the Energizing Insular Communities Program. The Administration is committed to energy projects that promote energy security, as well as projects that support a clean energy future for the insular areas through investments in renewable energy development.

The U.S. territories and Freely Associated States face significant challenges related to infrastructure and resiliency. The 2024 request calls for a \$4 million increase dedicated to infrastructure investments in the territories through the Capital Improvement Project Program of \$31.7 million, a program which has had level funding of \$27.7 million annually since 1996.

Sea level rise and the increasing severity of weather events compound infrastructure challenges and require OIA programs to help the insular areas adapt, become more resilient, and thrive. The President's budget supports these priorities for the insular areas by providing technical expertise and investments aimed to fortify and strengthen both their public infrastructure and natural resources. OIA's technical assistance energizing insular communities' coral reef and natural resources, Capital Improvement Project Grants, and maintenance assistance programs all contribute to strengthening island communities.

The Department of the Interior looks forward to working with Congress on the Compact Impact Fairness Act, as introduced in the 118th Congress. The Administration supports allowing compact migrants to become eligible for key Federal programs while living in the United States as a long-term solution to the financial impacts of compact migrants on U.S., state, and territorial governments.

For 2024, permanent mandatory commitments include an estimated \$380 million for fiscal payments to Guam and the U.S. Virgin Islands. Guam is estimated to receive \$80 million in income tax payments attributable to military and Federal personnel stationed in Guam, and the Virgin Islands is estimated to collect around \$300 million for excise taxes paid to the Federal Government on rum produced in the Virgin Islands.

Permanent mandatory funding also includes \$34.3 million provided to the Republic of the Marshall Islands under the Military Use and Operating Rights Agreement, which is a subsidiary agreement under the Compacts of Free Association. All other permanent mandatory funding under the 2003 COFA expires in 2023. Negotiations are ongoing related to the renewal of our Compacts of Free Association relationships in Fiscal Year 2024 and beyond.

The budget request includes language that demonstrates the Administration's support for funding the renewal of our Compact of Free Association relationships with FSM, RMI, and Palau. The 2024 budget request seeks \$7.1 billion in economic assistance over 20 years to be provided through a mandatory appropriation at the Department of State, with language calling for continued implementation of the compacts at the Department of the Interior. This total includes \$6.5 billion for direct economic assistance and \$634 million for continued U.S. postal services to the Freely Associated States.

The United States remains committed to its long-standing partnerships with the governments and the people of the Freely Associated States as we work together to promote a free and open Indo-Pacific.

Madam Chair, it is a pleasure to appear before the Subcommittee to discuss the 2024 budget request for the Office of Insular Affairs. Thank you.

[The prepared statement of Ms. Cantor follows:]

PREPARED STATEMENT OF CARMEN G. CANTOR, ASSISTANT SECRETARY—INSULAR AND INTERNATIONAL AFFAIRS DEPARTMENT OF THE INTERIOR

Madam Chair and members of the Committee on Natural Resources, thank you for the opportunity to testify on the fiscal year 2024 budget request for the Office of Insular Affairs (OIA). OIA is responsible for administering the Federal government's relationship with the territories of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the United States Virgin Islands (USVI). OIA also administers the financial assistance provided to the freely associated states (FAS) of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau under the Compacts of Free Association.

#### **Overview of the Fiscal Year 2024 Budget Request**

The proposed fiscal year 2024 Insular Affairs budget totals \$536.6 million, a decrease of \$211.5 million from the 2023 enacted appropriation. This decrease is almost entirely attributed to the expiration of certain financial provisions of the 2003 Compacts of Free Association.

#### **Current Request**

The request for current appropriations for 2024 is \$122.3 million. This amount is a decrease of \$6.6 million from the 2023 enacted appropriation. Included in this current appropriation request are \$94.5 million in discretionary funding and \$27.7 million in mandatory funding.

The President's 2024 Budget request continues support for core OIA programs within the Assistance to Territories appropriation. These programs provide the territories with much needed funding for the delivery of public services such as health and education, infrastructure investments, and technical assistance.

In addition to these important activities, the 2024 Budget also seeks to advance energy independence of the insular areas by providing \$15.5 million to the Energizing Insular Communities program. The Administration is committed to energy projects that promote energy security as well as projects that support a clean energy future for the insular areas through investments in renewable energy development.

The U.S. territories and freely associated states face significant challenges related to infrastructure and resiliency. The 2024 request calls for a \$4 million increase dedicated to infrastructure investments in the territories through the Capital Improvement Project program (\$31.7 million), a program which has had level funding of \$27.7 million annually since 1996. Sea-level rise and the increasing severity of weather events compound infrastructure challenges and require OIA programs to help the insular areas adapt, become more resilient, and thrive.

The President's Budget supports these priorities for the insular areas by providing technical expertise and investments aimed to fortify and strengthen both their public infrastructure and natural resources. OIA's Technical Assistance (\$23.3

million), Energizing Insular Communities (\$15.5 million), Coral Reef and Natural Resources (\$3.5 million), Capital Improvement Project Grants (\$31.7 million) and Maintenance Assistance programs (\$4.4 million) all contribute to strengthen island communities.

The Department of the Interior looks forward to working with Congress on the Compact Impact Fairness Act (S. 792/H.R. 1571) as introduced in the 118th Congress. The Biden-Harris Administration supports allowing Compact migrants to become eligible for key Federal programs while living in the United States, as a long-term solution to the financial impacts of Compact migrants on U.S. State and territorial governments.

#### **Fiscal Payments and the Compacts of Free Association**

For 2024, permanent mandatory commitments include an estimated \$380 million for fiscal payments to Guam and the U.S. Virgin Islands; Guam is estimated to receive \$80 million in income tax payments attributable to military and Federal personnel stationed in Guam, and the Virgin Islands is estimated to collect around \$300 million for excise taxes paid to the Federal government on rum produced in the Virgin Islands.

Permanent mandatory funding also includes \$34.3 million provided to the Republic of the Marshall Islands under the Military Use and Operating Rights Agreement, which is a subsidiary agreement under the Compacts of Free Association. All other permanent mandatory funding under the 2003 Compacts of Free Association expires in 2023. Negotiations are ongoing related to the renewal of our Compacts of Free Association relationships in fiscal year 2024 and beyond.

**Compact of Free Association.** The budget request includes language that demonstrates the Administration's support for funding the renewal of our Compact of Free Association relationships with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The 2024 President's Budget request seeks \$7.1 billion in economic assistance over 20 years to be provided through a mandatory appropriation at the Department of State, with language calling for continued implementation of the Compacts at the Department of the Interior. This total includes \$6.5 billion for direct economic assistance and \$634 million for continued U.S. Postal Services to the FAS. The United States remains committed to its long-standing partnerships with the governments and the people of the freely associated states as we work together to promote a free and open Indo-Pacific.

Madam Chair, it is a pleasure to appear before your subcommittee to discuss the 2024 budget request for the Office of Insular Affairs.

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QUESTIONS SUBMITTED FOR THE RECORD TO CARMEN CANTOR, ASSISTANT SECRETARY FOR INSULAR AND INTERNATIONAL AFFAIRS, OFFICE OF INSULAR AFFAIRS

**The Honorable Carmen Cantor did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

#### **Questions Submitted by Representative Westerman**

*Question 1. Following up on your response to the question on grant double-dipping, can you provide specific details on what mechanisms are in place to prevent overlapping grant payments and confirm that spending is fiscally responsible?*

*Question 2. The FY 2024 OIA budget continues to promote taxpayer money for renewable energy only. The Administration is, again, flat out ignoring an all-of-the-above energy strategy. Will you commit to addressing that concern and expand support for access to all reliable energy options?*

*Question 3. The U.S. and the Freely Associated States currently are negotiating the renewal of the Compacts of Freely Association (COFA). The decrease in the OIA FY 2024 budget reflects the expiration of the current COFA agreements but does not include any future COFA spending under the new Compacts. What changes in COFA spending are you expecting, given the amounts provided in the MOU's with FSM, Palau, and RMI that were signed earlier this year?*

*Question 4. Earlier this month, OIA issued a press release announcing Administration support for the Compact Impact Fairness Act (CIFA). The press release stated that the 94,000 FAS citizens who qualify to be counted for purposes of allocating the current Compact Impact grant program are living in states and territories, with more*

than 50 percent living in the continental U.S. and that 43 percent are now U.S. citizens. It is not clear how the 43 percent of your 94,000, who are now U.S. citizens qualified as non-immigrants under the expiring Compact Impact program, but isn't it true that the CIFA bill if approved will not apply 43 percent of that population of 94,000 persons of FAS heritage who are already U.S. citizens and already eligible for all CIFA programs if otherwise qualified?

#### **Questions Submitted by Representative Grijalva**

*Question 1. How many employee vacancies does the Office of Insular Affairs currently have?*

*Question 2. What are areas of priority related to staffing for the Office of Insular Affairs?*

*Question 3. What additional resources could the Office of Insular Affairs utilize to effectively assist the U.S. Territories within its jurisdiction with preparing timely and adequate financial reports?*

*Question 4. Several territories have had long-standing challenges in producing timely and reliable financial data. Given the importance of this data to accurately illustrating the current financial and economic conditions of the territories, how can Interior assist the territories to resolve this persistent challenge?*

*Question 5. The two most recent single audit reports indicate a dramatic increase in American Samoa's liabilities. One explanation attributed to this increase is a rise in bank deposits to the Territorial Bank of American Samoa (TBAS), a commercial bank owned by the American Samoa Government which started in 2017. The publicly-owned status of the TBAS has also prevented its deposits from being insured by the Federal Deposit Insurance Corporation (FDIC). What is the reason for keeping the bank structured as American Samoa Government-owned and what risks does this pose to the fiscal health of the territorial government?*

#### **Questions Submitted by Representative Case**

*Question 1. The Biden administration recently signed updated Compacts of Free Association agreements with the Federated States of Micronesia and the Republic of Palau and continues to negotiate an updated Compact with the Republic of the Marshall Islands. I look forward to our Committee's consideration of those proposed agreements, but want to underscore in no uncertain terms the necessity of ensuring that the financial costs to U.S. jurisdictions of hosting Compact migrants is properly and fully borne by the federal government. The proposed Compact Impact Fairness Act (CIFA), introduced in both the House and the Senate, would go a long way toward doing so by extending eligibility for certain key federal benefits to citizens of the Freely Associated States living in the United States. I appreciate Biden administration's expressed support for CIFA, but more is needed to assure that CIFA is passed upon and as a condition of Congress' approval of the Compacts. Will the administration include CIFA as an integral and non-severable part of the proposed renewed Compacts of Free Association when it transmits them to Congress?*

*Question 2. As one aspect of reimbursing Compact-affected jurisdictions for Compact resident services, Congress has directed Compact Impact Aid, both mandatory and discretionary, to some affected jurisdictions. However, that aid currently expires at the end of Fiscal Year 2023. If Congress is unable to approve the updated Compacts including CIFA by the beginning of Fiscal Year 2024, will the Biden administration support a temporary extension of Fiscal Year 2023 Compact impact funding levels, both mandatory and discretionary, to prevent any gaps in funding unless and until the Compacts and CIFA are approved and effective?*

Ms. HAGEMAN. Thank you. And we thank both of the witnesses for your testimony and the information you provided.

The Chair will now recognize Members for 5 minutes for questions, beginning with me.

The Department of the Interior recently proposed new land-to-tribal regulations and tribal regulations just as recently as December 2022. That comment period ended on March 1, 2023. The Committee has heard from several tribes and stakeholders that

they wanted additional time to comment on these regulations, and that more time to provide comments would be beneficial. Have you heard the same concerns from tribes and stakeholders regarding these new regulations?

Mr. NEWLAND. Thank you, Madam Chair. We have not heard that from any tribes that I am aware of. We did get several requests from members of the public to extend the comment period, but we did not extend beyond what we had already provided in the notice.

Ms. HAGEMAN. This is a pretty complicated area, isn't it?

Mr. NEWLAND. The land-into-trust process?

Ms. HAGEMAN. Yes.

Mr. NEWLAND. It can be.

Ms. HAGEMAN. OK. Would you consider extending the comment period so that tribes and members of the public can fully participate in this rulemaking?

Mr. NEWLAND. Madam Chair, we have received hundreds of comments on these proposed regulations, and believe that we have met our commitment under the law, and we intend to proceed with the rulemaking.

Ms. HAGEMAN. OK. Mr. Newland, when was the last time there was a complete audit of the BIA?

Mr. NEWLAND. I don't have that answer for you. I would have to follow up, ma'am.

Ms. HAGEMAN. OK. Ms. Cantor, the Department of the Interior has received \$6.6 billion in funding from the Inflation Reduction Act, well, the so-called Inflation Reduction Act, or IRA. The Committee is concerned that specific IRA programs addressing climate change overlap with other existing non-IRA programs. It looks like grant awardees could potentially qualify for multiple grants for the same project, creating the risk of double dipping and wasteful spending.

What measures are in place to prevent multiple grants from being awarded for the same project, both before the grant is awarded and then through oversight while the grant funds are being expended?

Ms. CANTOR. Madam Chair, we have a very competitive process, and a process that requires assessments of all these requests that we receive. To my knowledge, we don't have any projects that have been submitted twice and have received funding more than once. I will go back and check, but my understanding is that, because of the process, the fool-proof process that we have, that is not the case.

Ms. HAGEMAN. Is there a checklist or some other mechanism by which OIA staff verifies that there is no wasteful duplication?

Ms. CANTOR. My understanding is that we have checklists that we follow.

Ms. HAGEMAN. Who, ultimately, at OIA is accountable for preventing waste, fraud, and abuse in terms of the money that you are appropriated for these kinds of programs?

Ms. CANTOR. Madam Chair, we all follow all the rules, and I am responsible for making sure that my staff follows all the rules and procedures.

Ms. HAGEMAN. OK. Mr. Newland, just a couple more questions.



I wanted to ask about the Indian Land Consolidation Program in the budget request for purchasing highly fractionalized land. I have here that the Department testified back in 2017 that the amount of funds allocated to the land buyback program resulting from the Cobell settlement did very little to reduce Indian land fractionalization. Why does the Department think that another \$22.5 million will be beneficial to consolidate fractionated Indian land when the Department testified just a few years ago that funds allocated under the Cobell settlement did very little to reduce this problem?

Mr. NEWLAND. Madam Chair, I disagree with that assessment from that testimony. Through the Cobell settlement we were able to consolidate more than 100,000 fractionated parcels, with 3 million equivalent acres of land returned to tribal trust status.

The request is intended because, as you noted in your opening comment, probate is an issue, and we are also attempting to address that through this budget request with the transfer of some of the probate functions over to a different part of the Office of Hearings and Appeals. But if we don't continue these investments, land will go out of trust through the fractionation process, and by 2038 more land will be fractionated in Indian Country than when we started the Cobell settlement.

Ms. HAGEMAN. OK. Just very quickly, this year's request for Assistant Secretary administrative support is for \$1.81 million, which includes support for the Office of Self-Governance. Is that correct?

Mr. NEWLAND. I believe so, Madam Chair, yes.

Ms. HAGEMAN. OK. But the narrative doesn't include any discussion of funding to support the Department's negotiated rulemaking required by section 413 of the PROGRESS for Indian Tribes Act. Can you explain where the funds to support that rulemaking prior to April 20, 2023 came from?

Very quickly, because I am out of time.

Mr. NEWLAND. I would have to follow up with you, Madam Chair. I would be happy to do that.

Ms. HAGEMAN. All right. We appreciate that, thank you.

I now recognize the Ranking Member.

Ms. LEGER FERNÁNDEZ. Thank you so very much, Madam Chair.

I want to talk a little bit about the version of the budget you have proposed, which is part of the larger budget intended just to reduce the deficit by about \$3 trillion over the 10-year period, and then what it would mean if we actually had the cuts that are proposed in the Act that was passed.

When we look at that, if you hold the defense budget harmless, that means the rest of the agencies have to carry a larger burden, which is about 22 percent. It goes higher depending on which agency might not suffer any cuts. What does a 22 percent cut from Fiscal Year 2022 levels look like at the BIA? And if you could, tell me what it might look like on the ground.

We know we have a lot of issues around murdered and missing Indigenous women. We know there is a crisis of law enforcement in Indian Country that we simply do not have enough law enforcement personnel on the ground, in the cars traveling huge

reservations. Can you describe a little bit of what that looks like if we had that kind of cut?

Mr. NEWLAND. Thank you, Ranking Member. At 22 percent, the funding cut on Indian Affairs on its face would be bad. And when you look deeper into the numbers, it gets even worse, and I will explain why very briefly.

At those funding levels, we are talking about hundreds of police officers taken off the street in tribal communities across the country at a time when we know, through government-commissioned reports, that there is a \$2 billion need for public safety and justice program funding across Indian Country. So, we would actually widen that gap.

We also have 80 schools in our BIE system that are listed in poor condition that need to be replaced. At our current pace, it will take us several decades to complete replacement of these schools. So, widening that gap would string that out, as well, and also affect the maintenance of those facilities.

This would also reduce our ability to replace jails, which I know we have discussed a lot, and we are working to make sure that our jail facilities are up to par to meet our obligations to people in the jails. But that is just on the surface.

Behind that, we have also seen a growing demand for 105(l) tribal leases. Five years ago, there were no 105(l) leases that we funded through the Bureau of Indian Affairs. And this year, we are on pace for 300. Those are obligated, those are mandated by Public Law 638, that we provide funding for that. So, as the demand for 105(l) leases increases, that will also put pressure on our program dollars from the other end of the spectrum. So, you would return us to Fiscal Year 2022 levels, and then the program dollars would be squeezed by the 105(l) leases. And that is really going to affect our ability to deliver those core trust services that we are required to provide across Indian Country.

Ms. LEGER FERNÁNDEZ. And I think that this touches on a really important piece, is that we have encouraged through the 638 contracts or compacting for tribes to actually run their own programs. And what I have seen across Indian Country, is that those programs are often more culturally competent to the precise location, that there is a lot of satisfaction at the tribal level to how they are running their programs, and that if we start cutting back, we are actually interfering with that process of having those who are closest to their members to be actually running the programs that serve them. Is that correct?

Mr. NEWLAND. Yes.

Ms. LEGER FERNÁNDEZ. And I want to just touch a bit more about what happens, Honorable Cantor, with regards to what some of these kinds of cuts would have on our insular areas, on when we are dealing with storms. There is a typhoon right now, let's talk about what that means. And you actually don't have much time, so I might want you to do it in written form. But real quickly, does it harm our ability to respond to the needs of the people in the islands?

Ms. CANTOR. Absolutely. In any reduction scenario, a reduced OIA budget reduces support to the jurisdictions. And just to give you one quick example, a 1 percent cut translates to mostly about

a \$1 million decrease in the funding that we provide to the jurisdictions. So, yes.

Ms. LEGER FERNÁNDEZ. Thank you. I yield back.

Ms. HAGEMAN. Thank you. The Chair now recognizes Mrs. Radewagen for 5 minutes of questions.

Mrs. RADEWAGEN. Talofa lava. Thank you, Chairman Hageman and Ranking Member Leger Fernández, for holding this hearing.

I would like to first send my thoughts and prayers to those recovering or harmed by the devastating super typhoon that just hit Guam and the CNMI. I also appreciate the Administration's rapid emergency declaration.

I want to thank the witnesses for their testimony.

I certainly support the critical missions the Bureau of Indian Affairs and Insular Affairs serve, and they are missions of mercy. As Scripture says, "In His law the islands will put their hope." That is Isaiah 42. And the people in American Samoa truly hope for oversight, accountability, and transparency from OIA. They want their Federal dollars spent wisely, not wasted.

My territorial colleagues and I were successful in getting the Treasury Department to permit the use of hundreds of millions of dollars of ARP funds for much-needed hospital and other infrastructure improvements. Accordingly, it is essential OIA ensures proper use of these funds for the hospital, community college, our courts, and our education department, as these are the key pillars of our society that Congress entrusted to OIA specifically to oversee.

Just yesterday, Madam Secretary, I had a very productive meeting with your new director of OIA, Mr. John Brewer of the Senior Executive Service, and I appreciate the rapid and constructive engagement of all the OIA staff.

Finally, I want to congratulate your OIA COFA team and special negotiator, Ambassador Yun, on the successful signing of the recent compact renewals with the Republic of Palau and the Federated States of Micronesia. I look forward to passing these compacts in Congress over the coming months, and hopefully another one for the Marshall Islands, too. These agreements are crucial for the national security of the United States, as the Pacific territories and FAS are on the front lines once again in the battle for freedom.

Madam Secretary, I co-sponsored Representative Case's CIFA bill, and I want to thank him for his leadership on this, to make FAS citizens in the United States eligible for essential Federal social safety benefits. What else can be done to address the special costs and needs of the Pacific territories in this regard, so Congress can further help mitigate the local impact of these compact agreements?

Ms. CANTOR. Talofa, Congresswoman Radewagen, great to see you.

As you mentioned, the Administration is supporting the Compact Impact Fairness Act, which Congressman Case introduced in the House. This bill is going to allow the compact migrants to become eligible to key Federal programs while residing in the United States, and is actually a long-term solution to the financial impacts of compact migrants on state and territorial governments.

As you know, not all compact migrants are just going to Guam and Hawaii. They are found all over the United States: 50 percent of the 94,000 compact migrants are now all over the United States.

What I suggested to Governor Guerrero when I spoke to her about this a few weeks ago is that, in addition to CIFA, which we strongly support, OIA will be happy to implement any supplemental grants that members of the territories advocate here in Congress. So, in addition to CIFA, that is the other alternative to continue to provide supplemental grants if the Congress approves it. OIA will be more than ready to implement those.

Mrs. RADEWAGEN. Secretary Cantor, I understand the American Samoan desk officer position at OIA is in transition, and I trust your office is backstopping appropriately. But is there any update or timetable for our local government officials to be aware of for contact purposes?

Ms. CANTOR. Congresswoman, we have a field rep in American Samoa, Ms. Lydia, and we also have a number of staff members here in Washington, DC that work on all the territories.

Since I arrived in OIA last year, I have been working on an assessment of our resources. I cannot give you a timetable right now, but we are working on it.

Mrs. RADEWAGEN. Thank you, Madam Chairwoman. I yield back.

Ms. HAGEMAN. Thank you. The Chair will now recognize Mr. Sablan for 5 minutes for questions.

Mr. SABLAN. Thank you, Madam Chair, and good morning to our witnesses. Welcome.

Madam Secretary Cantor, thank you very much for the recent workshop conference you held for insular area officials to come together and get updated on potential programs coming that should be very helpful. We always have these things when there are big programs involved, but this at the start was very helpful.

I appreciate including the proposed increases for CIP, which the last increase was in 1993, I think, or TAP money, and level funding for TAP, and the empowering energy assistance, because as we move forward in the next year, I can expect about 13,000 families in the Northern Marianas who get nutrition assistance, and the roughly 16,000 people on Medicaid will face a mountain of paperwork just to keep their benefits.

The 3,400-plus people in the Marianas below the poverty level will shoulder much of the burden of the broad budget cuts, and threatening even veterans, about 700 veterans in the Marianas, threatening their care, costs delayed, and missed appointments, particularly those who have to leave to go off island for their specialized care. And, of course, 13,000 K-to-12 students. It is unfortunate. So, we need to keep aware of this, abreast of this, Secretary also, and make sure we keep the island governments, except Puerto Rico, I think, but the island governments informed.

Speaking about the 13,000 K-to-12 students, Secretary Newland, I have been in the Ed and Labor Committee for almost the entire time I was here. And I have had this GAO report. We have had testimonies on the dilapidated state of Native American Indian schools throughout the country. We are just trying to get over, and trying to work out, and hopefully find peace as a result of the students who were forced to be re-educated, and now we have this

dilapidated building. Some of them have no heat in the winter. Students have to wear heavy clothes just to be in school.

But, hopefully, the money you are asking for will help your agency, your Department work through this so that our students, the only difference is they are Native American students, will get the same education that students outside the tribal areas get. So, I will support your moves also.

And Secretary Cantor, the Compact of Free Association, where Envoy Yun is now working on the Republic of the Marshalls. And, hopefully, once there is more clarity on these things, we would certainly like to receive some briefing because, from what I understand, Congress is going to probably break every rule it has to pass the Compact of Free Association, these three. And we are going to have to get it done, because it is important to us more than it is to them, because they can walk away from this, but we can't. It is in our interest.

So, thank you, and have a good weekend. I yield, Madam Chair.

Ms. HAGEMAN. Thank you. The Chair now recognizes Mr. LaMalfa for 5 minutes of questioning.

Mr. LAMALFA. Thank you, Madam Chairman, and a question for Assistant Secretary Newland.

As you know, and you were able to touch on in your initial comments, we have this seemingly unreported, quiet pandemic of missing and murdered Indigenous women and girls, and I want to give you a chance to speak a little more about that.

But has collaboration with the DOJ across agencies and other agencies, has that worked very well so far in improving the conditions? Are there any barriers to having full collaboration and more success that you are aware of?

Mr. NEWLAND. Thank you, Congressman. Good morning. It is good to see you.

Mr. LAMALFA. It is good to see you, too.

Mr. NEWLAND. We are getting better at coordinating with the Department of Justice, both at the U.S. attorney level and with the FBI, on the investigative phase, as well as on the prosecution phase. We have a new MOU between the Bureau of Indian Affairs and the FBI on how we are going to coordinate. That is the first time we have updated that in over three decades. And our staffs meet weekly, and we meet at my level monthly with counterparts from the Department of Justice to address these issues.

Mr. LAMALFA. Is there anything still that is standing in your way of being successful with the flow of information? Is there anything that is being held back that we need to be more aware of or help push on a little bit to make sure that all information is being shared as appropriate?

Mr. NEWLAND. Thank you, Congressman. I don't have anything specific for you this morning.

I will add that it is no surprise to anyone in this room that coordination amongst Federal agencies is always a challenge. And we are doing better than when we started, and I feel good about the trajectory. But I would always be happy to work with you and members of the Subcommittee on that.

Mr. LAMALFA. Well, you keep us informed, please, on if you feel there is a place that needs improvement, or needs a push from us, or even a funding issue in the area and such. OK?

Mr. NEWLAND. Yes, thank you.

Mr. LAMALFA. All right, thank you.

Assistant Secretary Cantor, I want to shift to the Hurricane Maria situation in Puerto Rico in regard to FEMA and FEMA dollars that were sent there to help in that situation, post-hurricane.

We had a Homeland Security report that says FEMA didn't properly manage approximately \$65 million intended for disaster relief for Puerto Rico. What are you aware of that the Administration is doing to improve that, and address this fraud and mismanagement that we are seeing happening in Puerto Rico with FEMA?

Ms. CANTOR. Congressman, OIA doesn't provide support services to Puerto Rico, but we work closely with the interagency. This is a question that I could take back and work with FEMA. We do work with FEMA on anything related to the other territories: Guam, CNMI, the Virgin Islands, and American Samoa. But not Puerto Rico.

Mr. LAMALFA. We had last year in a T&I hearing that the GAO testified that only 19 percent at that point of the relief money that was allocated had actually been spent. Are there plans to move those dollars sooner?

And a follow-up on that would be, I am getting feedback from vendors down there that are doing the work in hurricane relief and clean-up and rebuild that they are not getting paid for more than just a normal amount of time. But over a year in some cases that they are not getting paid for their work.

Ms. CANTOR. Sir, once again, I will take that question back and see how we can get you an answer. But this is not an area that my office oversees.

Mr. LAMALFA. Yes.

Ms. CANTOR. But we will be happy to work with the interagency.

Mr. LAMALFA. OK. So, that is really two questions, as at that point there was only 19 percent of relief money that had gone out, and then what do we expect the performance of that to be, and then vendors getting paid.

OK, one more. Mr. Newland, on law enforcement officers on Indian Country, there is a \$33 million request to increase that. How are we doing on helping get more law enforcement for tribes on their tribal lands?

Mr. NEWLAND. Thank you, Congressman. I see my time is out, so I am happy to answer if permitted.

Ms. HAGEMAN. Quickly.

Mr. NEWLAND. Yes. This is an area where I am actually very proud of the improvement we have made. We have cut our attrition rate of law enforcement officers in the BIA through a pay parity initiative, and we are also reducing our vacancy rate by increasing the hiring within the BIA. And we are also working with Members of Congress in both parties and both Houses to address some of the other structural issues to help tribes with recruitment and retention.

Mr. LAMALFA. Thank you, Madam Chair.

Ms. HAGEMAN. The Chair now recognizes Mr. Moylan for 5 minutes of questions.

Mr. MOYLAN. Thank you, Madam Chair. A question for Assistant Secretary Cantor. Nice to see you.

Assistant Secretary, as you are aware, Guam is only now emerging from Typhoon Mawar, which has ravaged the island. As we wait to see the full scope of the damage, I trust that your office will have a distinct role in the recovery efforts.

In your testimony, you state that increasing severity of weather events compound infrastructure challenges and require the OIA programs to help the insular areas adapt, become more resilient, and thrive. Can you please elaborate on what efforts will emerge to help Guam build a more storm-resilient community?

Ms. CANTOR. Good to see you, Congressman. And first of all, our hearts and prayers are going to the people of Guam and CNMI during this difficult time with Super Typhoon Mawar.

I just wanted to mention that a few days ago I did speak with Governor Guerrero right before the storm hit, and I assured her that we would do everything that we could do in OIA to help the people of Guam, including that we are looking at potentially re-programming funds that could be used for help in Guam.

We also have a field representative in Guam who is working very closely with the Government of Guam. And here in Washington, DC, we have members of the Department that are working directly with FEMA to ensure that Guam gets the assistance that they need, especially after this devastating storm.

I saw videos from the hospital and the airport, and they were really hard to watch, the intensity of the storm. So, again, we will do everything that we can to help Guam through this challenging time.

Mr. MOYLAN. Thank you, Assistant Secretary. Another question now, moving on to compact impact funds. Ms. Cantor, compact impact funding is a crucial source of funding for the Government of Guam, which helps mitigate the costs associated with hosting COFA migrant communities. As of now, I am working to ensure that there is not a gap in the compact impact funding for 2024.

Although the Biden administration has been vocal on the question of allowing COFA migrants to benefit from Federal programs while living in the United States, can you speak to the importance of maintaining compact impact funds for host jurisdictions?

Ms. CANTOR. Congressman, the compact impact funding was something that Congress in 2003 determined that we were going to get funding for 20 years. And as you know, 2023 is when it sunsets.

As such, I mentioned earlier that there are 94,000 compact migrants in the United States right now, and 50 percent of them are in the mainland United States. And because of that, the Administration is supporting the Compact Impact Fairness Act, which will help the migrants, no matter where they are, to receive benefits. And this is a long-term solution with no sunset clause. The Department is very committed to working with Congress to see the intent of that legislation is achieved.

I also mentioned to Governor Guerrero, when I spoke to her about this topic a few weeks ago, that if you and her work closely with Congress on potentially acquiring some supplemental grants, OIA will be more than happy to help implementing those grants in Guam.

Mr. MOYLAN. OK. I understand your point. I still disagree. It is important that the hosting states and territories continue, because they will continue also to migrate through the hosting states and territories, especially the most dominant being Hawaii and Guam, and the Mariana Islands, as well. But I understand, and the fight will continue on that.

OK, another question here, Ms. Cantor. As OIA works to maintain partnership with the compact states, can you please speak to some of the challenges which exist at the level of subnational diplomacy?

Namely, can you speak to how your office has responded to concerns as those raised by President Panuelo and the Federated States of Micronesia which relate to Chinese influence?

Ms. CANTOR. Yes, Congressman. Having served in Micronesia for 2½ years, I am very fully aware of the challenges with the PRC, which is mainly what President Panuelo addressed in his letter a couple of months ago.

Our office supports the compact states through a series of grants and initiatives that help keep our national security. So, again, we are looking for a free and open Indo-Pacific, and we are contributing to that.

Mr. MOYLAN. Thank you.

Thank you, Madam Chair.

Mrs. GONZÁLEZ-COLÓN [presiding]. Thank you, Mr. Moylan, and thank you, the witnesses, for coming here. I am so glad to see you, Ms. Cantor. I will recognize myself for 5 minutes.

Assistant Secretary, the United States and the Freely Associated States currently are negotiating renewal of the Compacts of Free Association. The decrease in the Office of Insular Affairs Fiscal Year 2024 budget reflects the expiration of the current agreements, but does not include any future spending under the new compacts.

So, my question would be, how will the current negotiations impact your budget, and what changes in COFA spending are you expecting, given the amount provided in the MOUs with the Federated States of Micronesia, Palau, and the Republic of the Marshall Islands that were signed early this year?

Ms. CANTOR. It is good to see you, Congresswoman.

The Compacts of Free Association, as you mentioned, we just finished negotiating two of them, one with Palau and one with FSM. We are still working on the Marshall Islands. But the reason why you don't see that in our budget for 2024 is because OMB determined that the State Department is going to be receiving that appropriation, and the Department of the Interior will be implementing the appropriation.

We are working on how that mechanism is going to work, but that is the main reason why you don't see that in our budget for 2024 and beyond.



Mrs. GONZÁLEZ-COLÓN. So, how do you anticipate that Fiscal Year 2024 budget will increase as a result of the newly negotiated compacts?

Ms. CANTOR. Can you repeat the question, please?

Mrs. GONZÁLEZ-COLÓN. Yes. How much do you anticipate that the negotiations in this case, the Office of Insular Affairs fiscal budget 2024, will increase as a result of the new negotiated compacts?

Ms. CANTOR. We are looking at \$7.1 billion for this new round, compact three, nobody has called it that, but we think that is going to be the name of it. The real value, inflation-adjusted, of the package currently being contemplated by Congress is around 14 percent higher than the level of assistance Congress considered prior to enactment for the previous 20-year period. So, it is a 14 percent increase.

Mrs. GONZÁLEZ-COLÓN. Fourteen percent. I do have questions for the Assistant Secretary, Mr. Newland.

Turning to you, how much in Federal funds were set aside for facilities in Indian Country through all the supplemental funding bills that Congress passed in 2020, specifically for detention facilities?

Mr. NEWLAND. Thank you, Madam Chair. I just want to make sure I understood. Are you asking how much of the funding—

Mrs. GONZÁLEZ-COLÓN. Was set aside in Indian facilities for detention facilities.

Mr. NEWLAND. I don't have that number top of mind. I would be happy to get you an answer.

Mrs. GONZÁLEZ-COLÓN. Yes, please. Can you provide that to the Committee?

Mr. NEWLAND. Yes.

Mrs. GONZÁLEZ-COLÓN. What projects have specifically been completed, and what is your plan to address the rest of the facilities that need some repair or upgrades?

Mr. NEWLAND. Yes. Thank you, Madam Chair. With respect to our BIA jails, we have requested a significant increase through the President's Fiscal Year 2024 budget request. And what we have done administratively is come up with a way to identify which jails are most urgently in need of repair or replacement, similar to what we do at the Bureau of Indian Education schools. And that allows us to make sure that we are taking the appropriated funds that Congress provides, and putting them to their most effective use, and bringing some order to that process.

So, that is something that we have aimed to do. We have some replacement jails under construction or in process right now in different communities, and we hope to accelerate that with this budget request.

Mrs. GONZÁLEZ-COLÓN. How much of those funds are being expended, and how much is left to spend?

Mr. NEWLAND. Again, Madam Chair, I don't have that number top of mind.

Mrs. GONZÁLEZ-COLÓN. If you can provide that to the Committee, I would really appreciate that. Well, that will be my final question.

Mr. NEWLAND. Yes, thank you.

Mrs. GONZÁLEZ-COLÓN. I hope both of you have a great weekend. I want to thank the witnesses for the valuable testimony and the Members for their questions.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to those in writing.

Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Tuesday, May 30. The hearing record will be held open for 10 business days for these responses.

If there is no other further business, without objection, the Committee stands adjourned.

[Whereupon, at 10:15 a.m., the Subcommittee was adjourned.]

