

TESTIMONY
OF
ANN MARIE BLEDSOE DOWNES
DEPUTY ASSISTANT SECRETARY FOR
POLICY AND ECONOMIC DEVELOPMENT – INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS
HOUSE NATURAL RESOURCES COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
ON
H.R. 3477, THE “NATIVE AMERICAN TOURISM AND IMPROVING VISITOR EXPERIENCE ACT”

FEBRUARY 24, 2016

Chairman Young, Ranking Member Ruiz, and Members of the Subcommittee, my name is Ann Marie Bledsoe Downes and I am the Deputy Assistant Secretary for Policy and Economic Development in Indian Affairs. Thank you for the opportunity to present the Department of the Interior’s (Department) views on H.R. 3477, a bill to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States. While we note below the need for adequate funding for the activities proposed in H.R. 3477, the Administration supports the bill

The Native American Tourism and Improving Visitor Experience Act or NATIVE Act, H.R. 3477, is a step forward in ensuring that federal agencies and resources are coordinated in a way that supports tourism in Indian country. The NATIVE Act would support the work of an established support network for tribal capacity building for community and economic development in Indian country that is focused on tourism. In 1991, Congress passed the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), recognizing the need for broad based infrastructure investment to support our nation’s capacity to compete in the global economy. There were several programs created in the Department of Transportation addressing a broad spectrum of ways that transportation infrastructure is related to economic development and trade and providing the capacity for states, local governments and tribal governments to participate in the planning and development of long term strategies for economic access and success. This landmark legislation recognized tribal governments as the responsible agency for transportation planning.

The need for technical assistance and training was also recognized as part of the Local Technical Assistance Program (LTAP) at the Federal Highway Administration (FHWA). Included in the program of training needs was the mandate to provide technical assistance and training in recreational travel, tourism and trade. The Bureau of Indian Affairs has been responding to this need in a variety of ways including participation in the establishment of the National Scenic Byways Program, the Tribal Technical Assistance Program, Transportation Enhancements Program, Tribal Transit Program, Tribal Statewide Planning guidance, and Rails to Trails among others.

H.R. 3477 seeks to promote success in tribal economic development, tourism and trade. Tribal community development coupled with the value of tribal culture and tradition is central to promoting an industry that provides for businesses that bring economic stimulus into the community while raising economic viability for future development and sustainability. H.R. 3477 would promote coordination among a broad spectrum of existing programs that both support tribal community development and recreational travel and tourism and provide for the updating of strategic plans to ensure better coordination, outreach and delivery of existing resources to tribal governments, organizations and members interested in tourism. H.R. 3477, thus, would support both the Department and the Department of Commerce's work that has already begun as evidenced in the 2012 National Travel and Tourism Strategy. H.R. 3477 would include Indian Country in the Administration's efforts to encourage domestic and international travel throughout the United States.

Effective tribal tourism efforts provide both the capacity for small business development but also a means of sustaining and building on culture and traditions. This growth will further strengthen tribal governments and support tribal self-determination.

The President's Executive Order creating the National Travel and Tourism Strategy in 2012 coupled with the Executive Order creating the White House Council on Native American Affairs as well as the establishment of tribal liaisons at most federal agencies provides a strong platform for implementation of the NATIVE Act. H.R. 3477 would ~~create~~ an additional opportunity to provide federal interagency support of tribal capacity building and economic development. Improved coordination and support of tribal tourism at the federal level, when coupled with current increases in visitor travel, are likely to increase the ability of tribes and industries supporting tribal tourism to succeed.

The Department of Commerce, National Travel & Tourism Office forecasts 0.4 percent to 4.2 percent annual growth rates in visitor volume over the 2015-2020 timeframe. By 2020 this growth would produce 90.3 million visitors, a 20 percent increase, and more than 15 million additional visitors compared to 2014. The latest forecast produces a compound annual growth rate over the forecast period of 3.1%.

Of the 35 million overseas visitors to the United States in 2014, a record 1.65 million travelers visited Indian country, based upon Department of Commerce estimates. That is about 5% of the overseas visitors to the United States. Indian country has seen its visitors grow from a low point of 693,000 overseas visitors in 2007 to the record total in 2014. Each year there is an increase in interest in travel to Indian country.

H.R. 3477 would require agencies to update existing management plans and tourism activities to include an Indian tribes and tribal organizations. In particular, the legislation calls for a proposal to improve travel and tourism data collection and analysis. Currently, the Department of Commerce works with tribal groups to provide them with any currently available data. The Administration hopes this committee will support the President's budget request for data collection efforts including, increased funding for the Survey of International Air Travelers.

Competition in the international travel market is strong and both the United States travel industry as well as the tribal travel industry will benefit from better use of existing resources to promote travel to Indian country. As outlined in the National Travel and Tourism Strategy, nature-based, culture-based, heritage, and outdoor adventure travel represent an important opportunity in the tourism market. The Department of the Interior is working to drive economic growth and job creation in rural and gateway communities by attracting new visitors and encouraging extended visitation to public lands and Indian country. These efforts support the President's goal of welcoming 100 million international visitors annually by the end of 2021.

The Department supports H.R. 3477, with the above noted concern, and looks forward to maximizing the potential of increased tourism in Indian country. Thank you for the opportunity to provide the Department's views on H.R. 3477. I am available to answer any questions the Subcommittee may have.

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ON
H.R. 3599, THE “EASTERN BAND CHEROKEE HISTORIC LANDS REACQUISITION ACT”

FEBRUARY 24, 2016

Chairman Young, Ranking Member Ruiz, and Members of the Subcommittee, my name is Ann Marie Bledsoe Downes and I am the Deputy Assistant Secretary for Policy and Economic Development in Indian Affairs. Thank you for the opportunity to present the Department of the Interior’s (Department) views on H.R. 3599, a bill to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians (Tribe), and for other purposes.

Taking land into trust is one of the most important functions that the Department undertakes on behalf of Indian tribes. Homelands are essential to the health, safety, and welfare of tribal communities. Thus, this Administration has made the restoration of tribal homelands a priority. This Administration is committed to the restoration of tribal homelands, through the Department’s acquisition of lands in trust for tribes, where appropriate. The Department supports H.R. 3599, and suggests technical amendments.

H.R. 3599 will place approximately 76.1 acres of Tennessee Valley Authority (TVA) land and approximately 19.9 acres of permanent easement to be held in trust for the Tribe. The land identified in the bill is located along the Tellico Reservoir in Monroe County, Tennessee. The improvements would not be held in trust and remain the property of the Tribe. The legislation also provides for the identification and conveyance of additional TVA lands to protect cultural resources.

H.R. 3599 references “Federal lands” in section 2(a) of the legislation. Based on information from the Tribe and section 2(c), the Department understands the referenced lands are those managed by the TVA, a government-owned corporation. The Department recommends inserting “managed by the Tennessee Valley Authority” in section 2(a) to clarify the lands at issue in this legislation.

In regard to the trust transfer there is one technical issue that should be addressed.

The legislation should make clear that, as between BIA and TVA, TVA remains responsible for any hazardous substances on the land that occurred prior to acquisition in trust. The Department recommends inserting a section in the bill to address the assessment and clean-up of Hazardous Substances and setting forth that the TVA shall determine if any hazardous substances were

stored for 1 year or more, known to have been released, or disposed of on the property. Should the investigation determine that hazardous substances were stored, released or disposed of on the property, the TVA shall provide the Department of the Interior and the Tribe notice including the following information:

- Type and quantity of such hazardous substance.
- Notice of the time at which such storage, release, or disposal took place.
- Description of the remedial action taken, if any.

Additionally, if remedial actions were taken by TVA on the properties, then conveyance documents shall include the following covenants: "all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer, and any additional remedial action found to be necessary after the date of such transfer shall be conducted by the TVA." This would not impact TVA's ability to seek contribution from other potentially responsible parties.

Further, the Department suggests minor technical amendments to section 4(b)(3). Under section 4(b)(3) of H.R. 3599, there may be two unintentional limitations placed on the items that may be reinterred. First, the phrase "remains of the Eastern Band of Cherokee Indians and other Cherokee tribes" could limit the human remains eligible for reinternment to only those human remains that are found to be culturally affiliated with the tribes. Second, the phrase "repatriated by the Tennessee Valley Authority" could be construed as limiting the human remains to only those that are culturally affiliated with the tribes based on the statutory use of "repatriation" in the Native American Graves Protection and Repatriation Act (NAGPRA). NAGPRA provides for the "transfer of control" of human remains that are culturally unidentifiable, and the current language of this Act might exclude those human remains. The Department recommends that H.R. 3599 be revised to state "remains of the Eastern Band of Cherokee Indians and other Cherokee Tribes, including those transferred to the Eastern Band of Cherokee Indians and other Cherokee tribes" and "including those human remains and cultural items transferred by the Tennessee Valley Authority to those Cherokee tribes under the Native American Graves Protection and Repatriation Act;" In section 4(b)(3) of the legislation, the words "National Graves Protection and Repatriation Act" should be replaced with "Native American Graves Protection and Repatriation Act," which is the appropriate reference.

The Department also recommends, in section 2, inserting language clarifying the conveyance of property. For example "the following Federal lands on or above the 820-foot (MSL) contour elevation in Monroe Tennessee, on the shores of Tellico Reservoir, are *declared to be held in trust* by the United States for the use and benefit of the Eastern Band of Cherokee Indians:....": Also, the Revised Maps portions of the legislation (Sections 2(d) and 3(c)) should make clear that TVA will produce the required maps within 1 year.

The Department recommends adding "United States" to section 5(i), since the purpose of the legislation is for the Federal Government to hold the lands in trust for the benefit of the Tribe.

Thank you for the opportunity to present the Department's views on this legislation. I will be happy to answer any questions the Subcommittee may have.