

**Statement of Jeffrey L. Farrow  
to the Subcommittee on Insular Affairs,  
Committee on Natural Resources, U.S. House of Representatives  
Hearing on Successes and Challenges of the Interagency Group on Insular Areas  
July 17, 2008**

Madame Chair and Distinguished Members,

I am honored to have been invited to testify to the subcommittee which I was privileged to serve as Staff Director during most of my nearly 13 years on the Committee Staff. And I am delighted to do so regarding the Interagency Group on Insular Areas, which I helped establish and co-chaired during the Clinton Administration.

Let me begin by complimenting you, Madame Chair, for calling this hearing. The Interagency Group was intended to -- and should -- be a needed means within the Executive Branch for addressing problems in policy concerning American Samoa, Guam, the Northern Mariana Islands, and our mutual home of the U.S. Virgin Islands. In establishing it, President Clinton noted, as he had earlier in the case of Puerto Rico, that the situations of unincorporated territories are sometimes different than those of the States, this creates issues, the issues span the range of federal agencies, and federal officials have a special responsibility to consider territories issues because the areas "lack the representation that a State has in the Federal process."

Regrettably, however, the Interagency Group has not fulfilled its potential during the Bush Administration, despite what I trust have been the best efforts of its leadership.

The reason is a fundamental change that the Administration made in the Interagency Group. As originally established, it was co-chaired by designees of the Secretary of the Interior and the Director of the White House Office of Intergovernmental Affairs. As reconstituted, it is presided over solely by an Interior Department official.

White House co-leadership was an essential element of the Interagency Group and a reason for its establishment. It was recognized that:

- although the Department of the Interior has responsibility for relations with the areas in addition to some specific assistance functions, its responsibility does not extend to programs within the jurisdiction of other agencies;
- most of the issues are within the jurisdiction of other agencies;
- agencies rarely defer on matters within their jurisdiction to other agencies;
- many decisions are made above the line agency level by the Executive Office of the President's Office of Management and Budget;
- secretaries of the Interior can sometimes overcome lower-level opposition at other agencies and OMB with personal intervention but cannot do so on a regular basis;
- the issues generally are relatively small in the national and, even, Interior Department contexts and it is difficult to get high-level attention to such matters; and
- White House influence is often needed to move agencies and OMB.

The Interagency Group was established after the Interior Department failed to convince the Department of Justice to support application of immigration laws to the Northern Mariana Islands and, at Interior's request, from the White House I got the Clinton Administration to advocate application. It also came after the President's Interagency Group on Puerto Rico had obtained a number of changes in policy, including some benefiting other insular areas. Interior Deputy Assistant Secretary for Insular Affairs Allen Stayman then convinced his department to support a compromise in the leadership of the earlier-proposed Interagency Group on Insular Areas that involved joint Interior and White House leadership. Interior had previously opposed White House leadership.

In fact, the Interagency Group was established at least five years later than it would have been otherwise due to this opposition and opposition in the Senate comfortable with exercising jurisdiction over the Interior Department and concerned -- unnecessarily as the Interagency Group on Puerto Rico later demonstrated -- about jurisdiction over an interagency group with White House co-leadership. As the Clinton Administration took office, Members of this Subcommittee, including the Chair's predecessor -- Ron de Lugo, Delegate Eni Faleomavaega, and Chairman George Miller had promoted Executive Office of the President leadership of an insular affairs interagency group but were rebuffed by the Interior Department. In 1994, Chairman de Lugo obtained White House staff commitment to the idea of White House co-leadership -- but the agreement was not implemented because of the Senate objection.

The change in the Interagency Group's leadership in 2003 came after the Bush Administration in 2001 did not fill the position that I had held at the White House handling all insular areas matters. Puerto Rico's then "commonwealth" party governor and resident commissioner shortsightedly did not want it filled fearing that my replacement would be someone whom they believed favored the statehood party. The White House is inundated with requests for action on issues, and its staff routinely tries to shift responsibility for matters considered lesser in scope to agencies so that they can concentrate on priorities: The request for inattention was not a hard sell. In addition to my position, the Interagency Group on Puerto Rico was not continued. The Interagency Group on the less-populous territories continued to exist only on paper and the work it had begun languished. The broad disengagement from Puerto Rican issues that Puerto Rico officials sought has cost Puerto Ricans a lot. Another consequence, however, was the virtual elimination of White House assistance on issues of the other territory areas.

Madame Chair and Distinguished Members, Executive Office of the President attention to territory issues -- and probably greater success in resolving issues -- could be assured by statute. You can also try to obtain the White House involvement needed by asking the next president to restore White House co-leadership of the Interagency Group and staffing on territories matters. I note in this regard that Chairman Bingaman and Senators Akaka and Murkowski of the Senate Committee on Energy and Natural Resources recently suggested that this Administration consider White House staffing and co-chairing. You may run into resistance from Interior and from a White House staff consumed by existing responsibilities but I recommend that you press for White House involvement to have territories issues more successfully addressed.

Madame Chair, thank you for the invitation to testify. I request that you include in the record a progress report of the Interagency Group on Insular Areas issued in 2000 within months of its establishment and a list of accomplishments of the Interagency Group on Puerto Rico to help Members evaluate the Interagency Group on Insular Areas without White House co-leadership. I will now be happy to answer questions.